99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-494

THE OMNIBUS DIPLOMATIC SECURITY AND ANTI-TERRORISM ACT OF 1986

REPORT

OF THE

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

together with

CONGRESSIONAL BUDGET OFFICE ESTIMATE

ON

H.R. 4151

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MARCH 12, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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OMNIBUS DIPLOMATIC SECURITY AND ANTI-TERRORISM ACT OF 1986

MARCH 12, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. MICA, from the Committee on Foreign Affairs, submitted the following

REPORT

[To accompany H.R. 4151]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 4151) to provide for the security of United States diplomatic personnel, facilities, and operations, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment to the text of the bill strikes out all after the enacting clause and inserts a new text which appears in italic type in the reported bill and is set forth in the appendix of this report.

Amend the title of the bill to read as follows: "A Bill to provide enhanced diplomatic security and combat international terrorism, and for other purposes.".

COMMITTEE ACTION

On March 5, 1985 the Subcommittees on Arms Control, International Security and Science and on International Operations held a hearing on the Office for Counterterrorism and Emergency Planning at the Department of State and on the Anti-Terrorism Training Assistance Program. Testifying before the subcommittees were the Honorable Robert B. Oakley, Director, Office for Counter-terrorism and Emergency Planning, Department of State and the Honorable Edward Marks, Director, Anti-Terrorism Training Assistance Program, Department of State.

On March 21, 1985 the Subcommittees on Arms Control, International Security and Science and on International Operations held a hearing on the Department of State's Diplomatic Security Protec-

tion Program. Testifying before the subcommittees were Frank C. Conahan, Director, National Security and International Affairs Division, GAO; the Honorable Ronald I. Spiers, Under Secretary of State for Management, David C. Fields, Principal Deputy Assistant Secretary, Bureau of Administration and Security, Department of State.

On September 19, 1985, the Subcommittee on International Operations held a closed briefing on the executive branch's plans to implement the essential recommendations of the Advisory Panel on Overseas Security.

On July 16, 1985, the Committee on Foreign Affairs held a hearing to receive testimony from Admiral Bobby R. Inman (ret.), Chairman, Advisory Panel on Overseas Security, on the findings, conclusions, and recommendations of the panel. On July 24, 1985, Secretary of State George P. Shultz appeared before the committee to announce the executive branch's endorsement of the panel's recommendations.

On October 17, 1985, the Committee on Foreign Affairs held a closed meeting on the hijacking of the Achille Lauro and received testimony from the Honorable Michael H. Armacost, Under Secretary of State for Political Affairs.

On October 23, 1985, the Committee on Foreign Affairs held a hearing to review the adequacy of international maritime security and received testimony from Mr. Richard Kauzlarich, Deputy Assistant Secretary for International Economic, Social and Private Sector Affairs, Department of State; Mr. Garrett Brown, Acting Administrator, Maritime Administration, Department of Transportation, Commodore Peter J. Rotz, Chief of Operations, U.S. Coast Guard; Honorable Parker Borg, Principal Deputy Director, Office of Counter-terrorism and Emergency Planning, Department of State, and Mr. Michael Kozak, Office of the Legal Advisor, Department of State.

On October 24, 1985, the Committee on Foreign Affairs held a hearing on the executive branch's Central American Counterterrorism Act of 1985, including a proposal for a worldwide witness protection fund (H.R. 3463) and received testimony from the Honorable Michael Armacost, Under Secretary of State for Political Affairs.

On October 30, 1985, the Subcommittee on International Operations held a hearing on the aftermath of the Achille Lauro incident and received testimony from Mrs. Marylyn Klinghoffer and from the Honorable Robert B. Oakley, Director, Office of Counterterrorism and Emergency Planning, Department of State.

On November 6, 1985, the Subcommittee on International Operations held a hearing on House Concurrent Resolution 228 relating to the Achille Lauro hijacking and condemning all acts of international terrorism and received testimony from the Hon. Sam Gejdenson and Hon. Nicholas Mavroules. The Subcommittee on International Operations then ordered the bill favorably reported by unanimous voice vote as amended to the full committee.

On November 7, 1985, the Committee on Foreign Affairs favorably reported House Concurrent Resolution 228 as amended.

On November 13, 1985, the Subcommittee on International Operations held a first of a series of hearings on Diplomatic Security.

The Witnesses were Ambassador Ronald Spiers, Under Secretary of State for Management, Mr. Woodward Kingman, Associate Director, U.S. Information Agency; and, Mr. Jay Morris, Deputy Administrator, Agency for International Development.

On November 20, 1985, the Subcommittee on International Operations held a second hearing on Diplomatic Security to receive testimony from Mr. Richard Dertadian, Deputy Assistant Secretary of State for Foreign Buildings; Mr. Frank Warren, representing the Associated General Contractors; Mr. Robert Messmer, representing the American Institute of Architecture; and, Mr. William Birkhoffer, representing the American Consulting Engineers Council.

On December 12, 1985, the Subcommittee on International Operations held a further closed briefing on certain aspects of the proposed diplomatic construction portion of diplomatic security proposal given by Mr. Richard Dertadian, Deputy Assistant Secretary of State for Foreign Buildings.

On December 16, 1985, Representative Mica and Representative Snowe introduced H.R. 3946, a bill to provide for the security of U.S. diplomatic personnel, facilities and operations, and for other purposes. On this date the bill was referred to the Committee on Foreign Affairs.

On December 19, 1985, the Under Secretary of State for Management, Ambassador Ronald Spiers, sent to the Speaker of the House of Representatives Executive Communication 2422 which contained a draft bill to authorize appropriations to provide security for U.S. diplomatic personnel, facilities, and operations, and for other purposes. This communication was referred to the Committee on Foreign Affairs and to the Committee on Post Office and Civil Service.

On December 23, 1985, the Chairman, Hon. Dante B. Fascell referred it to the Subcommittee on International Operations and to the Subcommittee on Arms Control, International Security and Science.

On February 3, 1986, Ambassador Ronald Spiers, Under Secretary of State for Management sent a letter to the Honorable Daniel A. Mica, Chairman, Subcommittee on International Operations a letter amending the executive branch draft legislation with a request for specific annual funding levels.

On February 6, 1986, Representatives Mica and Snowe introduced, by request, H.R. 4151, a bill to provide for the security of U.S. diplomatic personnel, facilities, and operations, and for other purposes. This bill was referred to the Committee on Foreign Affairs.

On February 19, 1986, the Subcommittees on Arms Control, International Security and Science and on International Operations held a hearing on international terrorism and on House Concurrent Resolution 270 regarding the issuance of travel advisories involving Libyan-supported terrorist attacks on U.S. citizens.

On February 20, 1986, the Subcommittee on International Operations held a closed hearing on Diplomatic Security to receive further testimony from Ambassador Ron Spiers, Under Secretary of State for Management.

On March 4, 1986, the Subcommittee on International Operations held a closed briefing on other matters pertaining to the executive branch's request. The Assistant Secretary of State (desig-

nate) for Diplomatic Security, Mr. Robert Lamb, represented the Department of State.

On March 5, 1986, the Subcommittee on International Operations met to mark up H.R. 4151 and ordered that bill favorably reported as amended to the full committee by unanimous voice vote.

On March 6, 1986, the Committee on Foreign Affairs met to consider H.R. 4151 and ordered the bill as amended favorably reported by unanimous voice vote.

Background and Committee Comment

The security of U.S. facilities abroad which is increasingly threatened by more sophisticated terrorist entities is a major challenge to the U.S. Government and has been a particularly longstanding concern of the Committee on Foreign Affairs.

In light of the dramatic increase in threats experienced by a large number of U.S. diplomatic missions overseas, the committee established, in early 1984, a Staff Task Force on International Terrorism and Diplomatic Security. The mandate of the task force was to conduct investigations both here and abroad regarding the adequacy of the security of U.S. diplomatic facilities abroad and to evaluate the extent of host government cooperation in protecting our people and our embassies in specific, and in combating international terrorism in general.

The task force undertook an extensive review of a large number of embassies and other U.S. diplomatic facilities throughout the world. Over the course of the next 2 years, it submitted five reports containing both systemic and postspecific recommendations. Based, in part, on the staff task force recommendations, the committee and Congress provided the following: (1) An antiterrorism training assistance program which provides training and equipment to friendly countries; (2) authorized the emergency funding of $366 million to enhance embassy security at all levels as requested by the executive branch; (3) approved the necessary enabling legislation to implement international treaties on aircraft sabotage and hostage taking; and (4) approved legislation authorizing the Secretary of State and the Attorney General authority to make rewards for information leading to the arrest of international terrorists.

A State Department reorganization of its security management program to make it more effective in anticipating and deterring the terrorist threat by strengthening the chain of command and consolidating a fragmented program.

In addition, several significant measures to combat international terrorism were included in the enacted fiscal year 1986–87 foreign aid authorization (Public Law 99–83). These measures include: establishment of a new regime to provide for security assessments of international airports and stringent sanctions on governments which continue to maintain substandard security and establishment of a notification procedure including travel advisories to better inform the public; an expanded Antiterrorism Training Assistance Program (ATA) to provide assistance and commodities to friendly governments to improve the security at their airports; directive to the President to establish an international antiterrorism

coordinating committee to improve coordination on combating international terrorism; prohibition on imports from and exports to Libya; and bans the importation of goods and services from countries supporting terrorism.

Since 1973, the committee has been overseeing ever growing annual budgets relating to diplomatic security activities. During the last 5 years alone, the Congress increased the funding of regular ongoing security activities which have grown more than 750 percent.

In addition, between fiscal years 1973 and 1985, the committee recommended and the Congress approved several separate and special executive branch requests for funds to enhance the security of U.S. missions. Between 1980 and 1985 alone, the committee responded, in each instance, with emergency supplementals totaling $485.5 million for specific needs in the aftermath of increasingly sophisticated and destructive attacks against American facilities abroad; among the most notable of which were Islamabad, Teheran, Kuwait and the three bombings in Beirut.

In 1974, the Department of State implemented the first of these programs, known as the Public Access Control Program, which was designed to protect U.S. personnel and to deter mobs and small groups of terrorists. $123 million was made available to install public access control devices in building entrances and lobbies of American facilities abroad.

In 1980, as a result of the sacking of American Embassies in Teheran, Islamabad, and Tripoli, and the unwillingness or inability of host governments to provide effective protection, it had become necessary to begin major improvements at a number of posts deemed most vulnerable to uncontrollable mob violence. The committee initiated legislation authorizing $136 million, over the next 5 years, for the Security Enhancement Program.

In 1982, the Congress approved, once again, a security supplemental, however this time in response to a series of kidnapings and assassination attempts against U.S. military and diplomatic officials in Europe. The 1982 Security Supplemental included a total of $49 million to provide additional public access controls, protective equipment and emergency response packages.

Finally, in 1984, in the aftermath of the third successful vehicular bomb attack on U.S. facilities in Beirut, the Committee on Foreign Affairs initiated legislation authorizing emergency appropriation of $366 million at the request of the executive branch.

The following table summarizes the history of funding for these programs:

DEPARTMENT OF STATE FUNDING FOR SECURITY PROGRAM, FISCAL YEARS 1980–86

[In millions]

	Security budget regular authorization	Supplementals	Total
Fiscal year:			
1980	$45.9	$7.6	$53.5
1981	81.4	1.5	82.9
1982	72.1	51.4	123.5
1983	78.0	32.8	110.8

DEPARTMENT OF STATE FUNDING FOR SECURITY PROGRAM, FISCAL YEARS 1980–86—Continued

[In millions]

	Security budget regular authorization	Supplementals	Total
1984	92.8	15.7	108.5
1985	120.7	387.5	508.2
1986	345.4		345.4
Total 1980–86	836.3	496.5	1,332.8

At the beginning of the second session of this Congress, the Speaker called together the chairmen of the committees of jurisdiction with respect to terrorism issues and requested that the committees work together to produce an omnibus bill containing anti-terrorism measures for early floor consideration. The text of the Speaker's letter to the chairman of the Committee on Foreign Affairs follows:

THE SPEAKERS ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 21, 1986.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR MR. CHAIRMAN: Legislation addressing the problem of terrorism is a top priority this year. I hope that we can address this issue by combining the efforts of several committees with jurisdiction over different aspects of the problem into an omnibus bill that can be brought to the floor as a package through a special rule.

I plan to schedule this omnibus bill for floor action the week of March 17. To meet this schedule, each committee with jurisdiction must complete action on their component no later than the week of March 10.

I am certain that you share the sense of urgency about dealing with this problem. I look forward to your cooperation.

With every good wish,
Sincerely,

THOMAS P. O'NEILL, Jr.,
The Speaker.

SECTION-BY-SECTION ANALYSIS

TITLE I—DIPLOMATIC SECURITY

Section 101—Short title

This section provides a short title for titles I through IV, which may be cited as the Diplomatic Security Act.

Section 102—Findings and purpose

The Diplomatic Security Act is a response to the new and profoundly difficult security-related challenges confronting U.S. Government personnel and missions abroad, as well as foreign officials and missions in the United States. The act is based on the recom-

mendations of the Advisory Panel on Overseas Security formed by the Secretary of State in July 1984 and whose final report was submitted on June 17, 1985. The act creates a comprehensive new framework for the enhanced security of official personnel and facilities overseas. The framework consists of three complementary facets. The act sets forth the responsibility of the Secretary of State with respect to the security of diplomatic operations at home and abroad, the additionally sets forth certain provisions relating to the Bureau for Diplomatic Security and for the Diplomatic Security Service of the Department of State; it provides for the convening of board of inquiry to examine issues of accountability in cases involving terrorist or security-related attacks against U.S. personnel and facilities abroad; and it provides authorization of appropriations necessary for the Department of State to carry out its responsibilities as determined under this Act, and in particular to finance the acquisition of 79 new missions overseas, and the substantial enhancement of security either by relocation, rehabilitation, or upgrade of an additional 175 posts.

Enhancing the security of U.S. Embassies will require changes in the practices within the Department of State and, specifically, in the Office of Foreign Buildings that relate to the planning of new buildings and to the management of building design, construction and maintenance.

Section 103—Responsibility of the Secretary of State

Subsection (A) requires the Secretary of State to develop and implement, within the scope of resources available, policies and programs, including funding levels and standards, to provide for the security of U.S. Government operations overseas of a diplomatic nature only and foreign government operations of a diplomatic nature in the United States. Paragraph (1) of this subsection specifies that for purposes of this act the authority and responsibility of the Secretary of State extends to all U.S. Government personnel who are abroad on official duty other than those under the command of a U.S. area military commander. The Secretary of State is equally responsible for the security of dependents of U.S. official personnel abroad. Similarly, under paragraph (2) the Secretary's responsibility extends to the establishment and operation of security functions at all U.S. Government missions abroad.

Subsection (b) restates and clarifies responsibilities assigned to the Secretary of State by the President in his letters to Chiefs of Mission of September 23, 1981 and makes explicit the responsibilities implicitly assigned to the Secretary by section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927). Since one of the basic purposes of this legislation is to clarify the chain of command and ensure accountability at U.S. civilian posts abroad by making the Secretary and the Chief of Mission responsible for the direction and management of the Government's civilian overseas security program, it is necessary to restate and make explicit the Secretary's overall responsibility for the management and coordination of overseas post functions.

Otherwise, it would be impossible to hold the Secretary responsible for any part of the Diplomatic Security Program. Thus subsection (b)(2) makes the Secretary responsible for overseeing and de-

termining the level of all official government staffing (other than for activities under the direction of U.S. military area commander). This responsibility is critical to the success of the Diplomatic Security Program to be implemented pursuant to this Act.

Furthermore, this responsibility is also essential in this time of budget constraint. The committee expects the Secretary will use this authority to reduce the size and possibly the number of U.S. missions for reasons of both security and economy as urged on several occasions during the consideration of this legislation and recently recommended by the Vice President's Task Force on Combatting Terrorism.

For purposes of titles I through IV, subsection (c) defines the term "federal agency" as department or agency of the United States.

Section 104—The Bureau of Diplomatic Security

This section provides for the Bureau of Diplomatic Security of the Department of State to be headed by an Assistant Secretary. Subsections (b) and (c) provide for technical conforming changes in the law made necessary by the increase in the number of Assistant Secretaries at the Department of State.

Subsection (d) directs that new spending authority under this section shall be effective for any fiscal years only to the extent provided in appropriation acts.

Section 105—Responsibilities of the Assistant Secretary for Diplomatic Security

The Vice President's Task Force on Combating Terrorism, which recently released its final report, found that on average during the past decade, terrorists have attacked U.S. officials or installations once every 17 days. According to the same report, which confirms similar findings of previous reports of the committee's Task Force on International Terrorism and Diplomatic Security and other entities of the Federal Government, the number of fallen U.S. diplomats in the past 17 years now exceeds all who were killed during the previous 180 years.

Statistics for 1985 reveal that the total number of incidents of international terrorism climbed to more than 800 from 600 a year earlier. Of this number, U.S. persons and facilities were the targets in 30 percent of cases.

In light of these trends, it is the intention of the committee to put an end to any further fragmentation of the security function of the Department of State. The committee's approval of the Department's establishment of the Bureau for Diplomatic Security was meant to reverse the historic trend in the department which resulted in too many offices with overlapping responsibilities and competing interests undermining the overall security program.

To this end, the committee amended the executive branch's legislative request to complete the consolidation of the security program under the Bureau for Diplomatic Security by enumerating the specific primary functions for which the Assistant Secretary for Diplomatic Security will be responsible on behalf of the Secretary of State.

Section 106—Cooperation of other agencies

Subsection (a) imposes an obligation on other Federal agencies to cooperate to the maximum extent possible with the Department of State to facilitate the fulfillment of its security responsibilities. To that end, this subsection provides that, such agencies, through agreement, may render assistance, with or without reimbursement, to the Department of State.

Furthermore it is expressly provided that such agencies may provide logistic support, perform security inspections and other overseas security functions as authorized by the Secretary of State. Assistance of this nature would be appropriate in circumstances, for example, involving the facilities of other agencies. In such cases, the legislation authorizes the Secretary of State, if he so chooses, to delegate operational control, subject, however, to the Secretary's overall responsibility.

To ensure the full implementation of titles I–IV of this act, the Department of State and other foreign affairs agencies should work together in security survey teams. The Assistant Secretary of the Bureau for Diplomatic Security shall ensure that any disagreements between foreign affairs agencies, or between a foreign mission and the Department of State are resolved in an expeditious manner, taking into consideration the views and needs of all parties.

Subsection (b) makes clear that nothing in title I through IV of this act shall be construed to limit or impair the authority of any Federal, State or local authority with respect to law enforcement or domestic security operations.

Subsection (c) expedites the process of providing office space for the personnel needed by the Department to carry out its security-related activities, by approving a lease by GSA of up to 250,000 square feet, subject to appropriation.

Section 107—Protection of foreign consulates

In light of the growing responsibility of the Department to provide security of foreign missions located in the United States, this section mandates periodic reviews of the accreditation of foreign consulates in the United States. Six months after enactment of this title, the Secretary will report to the Congress on the accreditation review process and any plan to reduce such consular activities.

TITLE II—DIPLOMATIC SECURITY SERVICE

Section 201—Establishment of the Diplomatic Security Service

This section establishes a new career cone within the Foreign Service to be known as the Diplomatic Security Service.

Section 202—Director of the Diplomatic Security Service

This section provides that the Diplomatic Security Service will be headed by a Director who shall be designated by the Secretary of State. He shall be a career member of the Senior Foreign Service or the Senior Executive Service, with demonstrated qualifications appropriate for the position.

This section also provides that the Director will act under the supervision and direction of the Assistant Secretary for Diplomatic Security.

Section 203—Positions in the Diplomatic Security Service

This section makes clear that the Diplomatic Security Service is to be staffed by drawing upon the existing Foreign Service and Civil Service personnel systems.

This section also provides for the development of position qualifications to be prescribed by the Secretary of State. In the case of "special agents", the position qualifications should include minimum and maximum entry age limitations. Such age requirements are commonly found in organizations having security-related and law enforcement responsibilities. In addition, the position qualifications for special agents must incorporate the standards required by law in order to carry out security functions and to exercise the law enforcement authorities available to such special agents.

TITLE III—ACCOUNTABILITY REVIEW BOARD

Accountability and acceptance of risk are fundamental to the improvement of overseas security. In the past, determining direct programatic and personal accountability for serious, security failures had been weak. Often, higher senior officials have ultimately accepted responsibility for operational failure in circumstances where they had no direct control. Perhaps most notable was the acceptance by the President of the United States of responsibility after the bombing of the U.S. Marine barracks in Beirut. Without personnel in the field being held responsible and accountable for their actions, unnecessary risktaking is inevitable

Ambassadors and chiefs of missions are the key individuals at U.S. diplomatic missions responsible for maintaining a secure environment for American and foreign national employees overseas. A system must be established to ensure that requisite security advice is accepted and acted upon not only by Ambassadors and chiefs of missions, but by all senior officers, including Assistant Secretaries and their deputies in Washington. Central to such a system must be the formal acceptance within the Department of State and the foreign affairs agencies of the principle of accountability for actions taken.

This title establishes an Accountability Review Board to formally investigate into all incidents involving serious security failures. The Accountability Review Board shall focus on the facts and circumstances surrounding a serious security failure, but shall not adopt as its central purpose the determination of personal accountability for the security failure. It is appropriate, however, for the Board to consider in the process of its review not only recommendations for the correction of any faulty security procedures that may have led to the failure, but whether the actions of one or more individuals contributed significantly to the failure.

Section 301—Accountability review

This section directs the Secretary of State to convene a board to be known as the Accountability Review Board to look into any inci-

dent involving either serious injury, loss of life or significant destruction of property at or related to a U.S. Government mission abroad covered by the provisions of titles I through IV (other than a facility or installation subject to the control of a U.S. area military commander).

This requirement does not pertain to cases in which the Secretary determines that the causes are clearly unrelated to security.

Section 302—Accountability Review Board

Subsection (a) establishes that the Board shall consist of five members, four of whom are appointed by the Secretary of State, and one by the Director of Central Intelligence. The Department of State shall be repsonsible for providing the Board with facilities, services, and supplies necessary to carry out its responsibilities. The Board may request that employees of any Federal agency be assigned to it on a temporary basis, with or without reimbursement. Finally, the Board may appoint and fix the pay of such experts and consultants as it deems necessary, in accordance with section 3109 of title 5 of U.S. Code.

Section 303—Evidence

This section empowers the Board to make use of certain procedural authorities relating to its ability to (a) administer oaths and affirmations; (b) require that depositions be given; and, (c) require the attendance and presentation of testimony and evidence.

This section further directs that if an individual fails to comply with a request of the Board, his refusal shall constitute grounds for:

—disciplinary action by the employing agency, if the individual is an employee of the federal government as defined by section 2105 of title V of the U.S. Code; or a member of the uniformed services as defined by section 101(3) of title 37 of U.S. Code or an employee of an instrumentality of the United States.

—debarment in the case of a contractor.

In the event persons, not described above, the Board may issue a subpoena requiring testimony or the production of evidence and if the person fails to obey that subpoena, a court order can be issued, upon application by the Attorney General, requiring such an individual to appear before the Board to give testimony or present evidence as required by the subpoena.

Subsection (b) requires that the Board adopt such procedures as may be necessary concerning the confidentiality of records, the conduct of closed hearings or the submission of evidence in camera to ensure the protection of classified information relating to national defense, foreign policy, or intelligence matters. The Director of Central Intelligence shall establish the level of classification for intelligence related information.

Subsection (c) provides administrative procedures for the handling of records of the Board.

Subsection (d) directs that provisions of the Federal Advisory Committee Act and section 552(b) of title 5 of the United States Code shall not apply to any Board established under this title.

Section 304—Findings and recommendations of the Board

This section directs that a Board, when convened, shall examine the facts and circumstances surrounding the case under review. The purpose of the investigation shall be to determine the nature of the incident for which it was convened, the adequacy of the existing post security program and related systems, impact of available intelligence information, and personal responsibility, if any, for the incident.

Upon completion of the investigation, this section directs the board to submit two sets of findings and recommendations. The first set of findings shall relate to the success or failure of the existing diplomatic security program in place at the post at the time of the incident (subsection (b)). The Board report shall also include recommendations to improve the security and efficiency of any program reviewed by the Board.

Secondly, whenever the Board finds reasonable grounds to believe that an individual, as described in section 303(a)(1)(B), has breached his duty, the Board shall transmit to the employing agency that finding, together with such evidence and a recommendation for disciplinary or other appropriate action (subsection (c)).

With respect to a recommendation made by the Board that "appropriate action" be taken, it is the committee's intention that the Board's report will not specify a particular type of action. The committee believes that the decision as to the type of action shall be made by the agency concerned.

Finally, subsection (d) mandates two reports in response to the two sets of findings and recommendations made by the Board.

In the first instance where the board makes program recommendations as a result of its investigation, subsection (d) directs the Secretary to transmit, within 90 days of receipt of such program recommendations, a report to Congress on each recommendation and corresponding actions taken by the Department.

When the Board transmits a finding under subsection (c), the department or agency concerned shall report to Congress within 30 days on (i) the case and associated evidence; and, (ii) on the decision to take or not to take appropriate disciplinary action against an employee.

One kind of decision not to take disciplinary action might be a decision to refer the matter to an official empowered to initiate appropriate administrative or disciplinary action. In the case of such a referral, the department or agency should report to the Congress upon completion of its action.

Nothing in section 304 should be construed as requiring an official to take or decline to take, or restricting the authority of an official to take or decline to take, any action.

Section 305—Relation to other proceedings

This section directs that nothing in this title shall be construed to create new administrative or judicial remedies not otherwise available by law; nor can anything in this title be construed to deprive any individual of any right or legal defense which would otherwise be available to such individual.

Furthermore, nothing in this title can be construed to limit the authority of any agency to initiate such investigations or to under-

take such administrative or disciplinary actions as it deems appropriate.

TITLE IV—DIPLOMATIC SECURITY PROGRAM

Section 401—Authorization

(a) Authorization of appropriations

Subsection (a) authorizes the appropriation of sums requested in the Department's Budget in Brief for fiscal year 1987 and described in detail in a document entitled "Department of State New Diplomatic Security Program", except for the antiterrorism assistance portion of that request which is not authorized by this legislation.

Full authorization not to exceed the administration's request of $1,630,867,000 for "Salaries and Expenses" and $2,653,940,000 for "Acquisition, Operation and Maintenance of Buildings Abroad" is provided by this title. The Foreign Affairs Committee, however, intends that only $5 million be provided for each of the fiscal years 1986 through 1990, or a total of $25 million for "Counter-terrorism Research and Development." This reduction from the administration's request of $84 million for the 5-year program was made because in the committee's view the administration provided insufficient justification for the higher figure. Furthermore, the Department of State is directed to restrain site costs for diplomatic construction projects authorized by this title to the maximum extent practicable through the negotiation of donations and exchanges. Appropriations for purposes authorized under this title may not be made after fiscal year 1990.

In reviewing each project proposal and associated justifications, the committee has reprioritized the order in which the Department should proceed on the 254 projects.

In fiscal year 1986, the committee has limited the number of projects authorized to those which are either already underway or extremely time sensitive. Therefore, the committee authorizes the appropriation of funds for the following projects in fiscal year 1986: Manama, Dhaka, Cyprus, Tegucigalpa, Amman, Muscat, Doha, Mogadishu, Tunis, Sanaa, and Djibouti.

In fiscal year 1987, the committee recommends the Department of State initiate all projects deemed to be most vulnerable to a physical security threat. Therefore, the committee authorizes the apporopriation of funds for the following projects in fiscal year 1987: La Paz, Kuwait, Moscow, Brussels, Cairo, Jerusalem, Pretoria, Paris, Santiago, Khartoum, London, Bogota, Athens, Rabat, Chiang Mai, Bonn, Georgetown, Geneva, Vienna, Alexandria, Tel Aviv, Lima, and Abu Dhabi.

In fiscal years 1988 through 1990, the committee recommends that all projects proposed for each fiscal year be initiated in that year. In addition, in fiscal year 1988, the Department shall also be authorized to appropriate funds for those projects originally requested for fiscal years 1986 and 1987 but not authorized in those years. Therefore, The committee authorizes the appropriation of funds for the remaining projects in the following way:

Fiscal year 1988: Kingston, Caracas, Prague, Abidjan, Tokyo, Panama, Bangkok, Copenhagen, Zagreb, Hong Kong, Istanbul,

Sofia, Berlin, Ankara, Antan'rivo, Paramaribo, Rangoon, Hamburg, Algiers, Osaka/Kobe, Izmir, Yaounde, Budapest, Kampala, Johannesburg, Quito, Kuala Lumpur, Kingston, Madrid, Bombay, and Leningrad.

Relocation and rehabilitation projects: Antwerp, Marseille, Port Louis, Merida, Zurich, Barranquilla, Belfast, Guadalajara, Cebu, Adana, Lyon, Genoa, Mazatlan, Bilbao, and Dubai.

Fiscal year 1989: Nassau, Sao Paulo, Seoul, Bern, Victoria, Bridgetown, Thesaloniki, Valletta, Kinshasa, Rio de Janeiro, Jakarta, The Hague, and Douala.

Fiscal year 1990: Ouagadougou, Montreal, Amsterdam, Luxembourg, Florence, Barcelona, Capetown, Matamoros, and Maracaibo.

With respect to projects relating to the activities of other foreign affairs agencies such as the U.S. Information Agency, the Agency for International Development and the Foreign Commercial Service, the committee authorizes the appropriation for those projects, as requested in the Department's Budget in Brief for fiscal year 1987 and described in detail in a document entitled "Department of State New Diplomatic Security Program", in the following fashion: $20 million in fiscal year 1986, $74,810,000 in fiscal year 1987, $54,734,000 in fiscal year 1988, $27,798,000 in fiscal year 1989, and $10,028,000 in fiscal year 1990.

In approving a request for security enhancements for Jerusalem and Tel Aviv, the committee is not settling or prejudging the outcome of the ongoing debate on the proper location of the American Embassy to Israel.

Finally, the committee has considered views expressed by the Advisory Panel on Overseas Security regarding the history and the impact of the congressional funding process on past projects. The success of this massive diplomatic construction program is predicated on timely availability of funds. In the past, the Department would request site acquisition funds in one year, and design and construction in other years. Such a schedule has rarely contributed to the cost efficiency and timeliness of a construction project. Therefore the committee believes that funds for site acquisition, design, and construction should be appropriated in the same year.

Consequently, the committee expects the Department to seek the appropriation of funds for each fiscal year in the following manner: $124,779,000 in fiscal year 1986, $755,739,000 in fiscal year 1987, $983,871,000 in fiscal year 1988, $492,440,000 in fiscal year 1989, and $297,111,000 in fiscal year 1990. The following table delineates the committee's recommendation:

[By fiscal year, in thousands of dollars]

	Estimated obligation year							
	1986	1987	1988	1989	1990	1991	1992	Total
Request year								
1986								
Site	7,000							7,000
Design	2,845							2,845
Construction	109,665							109,665
Office equipment		6,637						6,637
Administration	5,269	480	450					6,199
Total	124,799	7,117	450	0	0	0	0	132,346

[By fiscal year, in thousands of dollars]

	Estimated obligation year							
	1986	1987	1988	1989	1990	1991	1992	Total
1987								
Site		97,459						97,459
Design		20,379						20,379
Construction		609,072						609,072
Office equipment			53,249	48,782				102,031
Administration		21,712	29,879	23,545	10,659			85,795
Total	0	748,622	83,128	72,327	10,659	0	0	914,736
1988								
Site			149,850					149,850
Design			24,489					24,489
Construction			811,232				811,232	
Office equipment			24,323	66,878	56,883			148,084
Administration			30,399	39,814	35,122	17,912		123,247
Total	0	0	1,040,293	106,692	92,005	17,912	0	1,256,902
1989								
Site				93,618				93,618
Design				13,098				13,098
Construction				287,704				287,704
Office equipment					11,781	48,516		609,297
Administration				9,006	17,927	17,677	13,220	57,830
Total	0	0	0	403,421	29,708	66,193	13,220	512,542
1990								
Site					17,750			17,750
Design					2,817			2,817
Construction					60,024			60,024
Office equipment						7,014	11,860	18,874
Administration					9,495	3,876	4,578	17,949
Total	0	0	0	0	90,086	10,890	16,438	117,414
Recap by year:								
1986	124,779	7,117	450	0	0	0	0	132,346
1987		748,622	83,128	72,327	10,659			914,736
1988			1,040,293	106,692	92,005	17,912		1,256,902
1989				403,421	29,708	66,193	13,220	512,542
1990					90,086	10,890	16,438	117,414
Subtotal	124,779	755,739	1,123,871	582,440	222,458	94,995	29,658	2,933,940
Less proceeds of sale			−140,000	−90,000	−50,000			−280,000
Total	124,779	755,739	983,871	492,440	297,111			2,653,940

(b) Notification to authorizing committees of requests for appropriations

In order to facilitate the oversight of the authorizing committees, subsection (b) directs that the Secretary of State must provide the House Foreign Affairs Committee and Senate Foreign Relations Committee with all appropriation requests authorized under title I–IV. The Secretary must also provide the authorizing committees with detailed justifications for every program and project.

(c) Reprogramming treatment

The House Foreign Affairs Committee and the Senate Foreign Relations Committee must be notified 15 calendar days in advance before funds can be obligated for any capital project authorized by this title and administered by the State Department Office for Foreign Buildings Operations. These notifications will be treated as reprogramming requests for the review and approval of the authorizing committees.

(d) Prohibition on reallocations of authorizations

The purpose of this subsection is to prevent any funds authorized by this title to be reprogrammed or otherwise reallocated by the Department of State for any other purpose, except by amendment to this act or by subsequent legislation.This subsection removes funds authorized by this title from coverage under section 24(d) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696), which establishes existing reprogramming procedures within the Department of State. The Foreign Affairs Committee does not intend, however, to prevent possible reprogramming under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) *among* the various programs and account authorized by this title.

(e) Security requirements of other foreign affairs agencies

The Foreign Affairs Committee recognizes that in the past, insufficient attention has often been paid to the security requirements of other foreign affairs agencies by the Department of State. While the general scarcity of resources for security within the Department of State (a situation this legislation is designed to correct) has contributed to this problem, the committee expects the Department to give equal attention to the security needs of all foreign affairs agencies in the future whatever the funding level for security. In addition, early on the Department of State must bring other foreign affairs agencies directly into the decisionmaking process for the allocation of security resources.

(f) Insufficiency of funds

If budgetary shortfalls occur in any of the programs in any of the fiscal years authorized by titles I–IV of this act, the Secretary of State shall report to Congress on the effect of the shortfall for the Department of State and each foreign affairs agency.

Section 402—Preference for U.S. contractors

The Foreign Affairs Committee has determined that strong American preference is needed for capital projects in the Department of State new Diplomatic Security Program. This preference is necessary: (1) because of the unprecedented size and expense of the building program, and (2) because of the need to protect sensitive physical and technical security information associated with these projects. Except in circumstances specifically stated in this section, only American contractors may bid as prime contractors on capital projects for new construction, alteration or repair authorized by this title exceeding the estimated contract value of $5 million, and

all such contracts must be awarded to American contractors. To be considered an American contractor, a firm must meet the following conditions:

—The firm must be incorporated or organized under U.S. law, which includes Federal State, District of Columbia, and local laws.

—The firm must have its principal place of business in the United States.

—The firm must have been incorporated or legally organized in the United States for more than 5 years before the date that an invitation for a bid or a request for proposal is issued for a capital project. This provision is intended to ensure that a firm has been incorporated in the United States long enough to establish a record of reliability, quality, and on-time performance. Some length of business provision is necessary to establish this qualification, as many construction projects require 3 or more years for completion.

—The firm must have performed within the United States services similar to the complexity, cost, and construction-type to that of project open for bid.

—The firm must have achieved a total business volume in 3 of the previous 5 years at least equal to the value of the project being bid. The previous two requirements will help ensure that a firm is technically capable to carry out a given project.

—The firm must employ U.S. citizens in more than half of its permanent, full-time positions in the United States, and will employ U.S. citizens in 80 percent of the primary contractor supervisory positions on the site of the capital project up for bid. This requirement is meant to exclude foreign-owned "shell company" operations, where a foreign-owned U.S. company bids on a job, is awarded a contract, and then "subcontracts" the job to its foreign parent, which then performs all of the actual work. A recent example of this is the AID-funded Kismayo Port project in Somalia. In this case, the George A. Fuller Co., a U.S. foreign-owned building contractor, was low bidder and was awarded the contract, and then turned over virtually the entire project to its foreign parent, the Greek contractor Archirodon.

—The firm must have existing technical and financial resources in the United States to perform the contract. This requirement is intended to exclude foreign-owned U.S. companies which lack the inherent capabilities *within their U.S. organizations* to perform the contracting being bid.

Exceptions may be made to the prohibition on awarding bids to non-U.S. contractors when only one U.S. contractor responds to the request for a bid, or when a project is in a country whose laws prohibit the use of U.S. contractors on U.S. diplomatic construction projects.

In capital construction projects, the Department of State should to the extent practicable to set aside 10 percent of the fund available for construction projects for the purpose of awarding contracts to American minority contractors to the extent practicable. Nothing in this title, however, shall be construed as exempting any contractor form having to compete equally with all other American

contractors under existing Department of State bid procedures, from the requirement of having to submit the lowest qualified bid in order to be awarded a capital construction contract, or from the requirements in subsection (c)(2).

Section 403—Qualifications of persons hired for the Diplomatic Construction Program

The Foreign Affairs Committee is concerned about the past misuse by the Department of State of funds appropriated for security purposes. In some cases, such as the perimeter security program begun in 1979, the siphoning off of funds and positions for other purposes has led to serious program delays, cost overruns, and the unnecessary prolongment of insecure environments for U.S. personnel overseas. The committee intends that all areas of the diplomatic security program authorized by this Title remain separate from other functions of the Department of State. In particular, none of the 177 additional positions authorized for the Office of Foreign Building Operations (FBO) may be filled for any purpose other than carrying out the diplomatic construction program. To ensure compliance with this mandate, the Secretary of State may employ only those persons with demonstrated background in construction-related fields in carrying out the diplomatic construction projects authorized by this title.

These individuals may conduct work within the Department of State only on the diplomatic construction projects administered by FBO while employed in any of the 177 additional FBO positions requested by the administration in its Department of State new Diplomatic Construction Program presentation to Congress. Should any of these individuals be transferred to any other function or office within the Department of State before the completion of the diplomatic construction program authorized by this title, the Secretary of State shall report such transfer to the House Foreign Affairs Committee and the Senate Foreign Relations Committee, with a justification for that transfer and why that individual is no longer needed on the diplomatic construction program.

In filling the additional positions authorized by this Title, the Secretary of State shall actively recruit women and members of minority groups.

Section 404—Cost overruns

Given the size and scope of the diplomatic security program authorized by this title, even a small percentage cost overrun in this program is unacceptable. The Foreign Affairs Committee expects that past serious overruns in security and capital construction projects administered by the Department of State will be avoided through upfront funding of projects, as provided in this title. The committee has been assured by the Department that the acceleration of projects through the site selection, design, and construction phases made possible by such funding will avoid many of the inflationary characteristics of past stretched out projects.

Nevertheless, the committee is aware that not all cost overruns in security programs administered by the Department of State have resulted from uncontrollable factors such as inflation or increases in security standards. In order to maintain close oversight

over the progress of the capital construction program, no amount required to complete any capital project in the diplomatic construction program authorized by this title may be obligated except in compliance with reprogramming procedures under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

To carry out the intent of this section, the Secretary of State shall report to the House Foreign Affairs Committee and the Senate Foreign Relations Committee before funds are obligated for each capital construction project for site purchase or construction. Furthermore, the Secretary shall indicate whether and by how much the proposed obligation for that purpose is above or below the anticipated costs for those projects as described in the Department of State's Supplemental Diplomatic Security Program. Those projects that are projected to have cost overruns may not move forward if either of the authorizing committees object.

The Foreign Affairs Committee recognizes that cost for site purchase and construction represent 85 percent of overall project costs, and are the areas where cost overruns most commonly occur. The Secretary of State must report anticipated site and construction costs to the authorizing committees on individual projects, but may report additional project costs to the authorizing committees in group toward the completion of individual projects, as long as those additional project costs do not involve additional costs from change orders or significant cost overruns.

Section 405—Efficiency in contracting

In addition to concerns about cost overruns, the Foreign Affairs Committee is intent that projects stay on schedule. The greater the unplanned delay in any project, the greater the chance of add-ons and cost inflation. To increase the likelihood of keeping the overall diplomatic construction program on schedule and under cost, the Director of the Office of Foreign Building Operations at the Department of State shall provide for a contract system of bonuses and penalties. Not later than 30 days after the enactment of this act, the Director shall report to Congress on the implementation of this section.

Section 406—Advisory Panel on Overseas Security

The Foreign Affairs Committee recognizes the substantial efforts already made by the Secretary of State to implement the recommendations of the Advisory Panel on Overseas Security (Inman Panel). To further the close and constructive cooperation already experienced between the committee and the Department on this issue, the Secretary of State shall submit a report to Congress within 90 day after the enactment of this Act on the implementation of the 91 Inman Panel recommendations. If any of the recommendations have been rejected, the Secretary shall provide justifications for such rejection.

Section 407—Training to improve perimeter security at U.S. diplomatic missions abroad

This section expresses the sense of Congress that the President should use his authorities under chapter 8 of Title II of the Foreign Assistance Act relating to antiterrorism training assistance to im-

prove the security provided along the perimeter of U.S. missions abroad.

Section 408—Protection of entrance of U.S. diplomatic missions abroad

This section directs that the Secretary of State shall install entry screening devices at all U.S. missions abroad.

Section 409—Certain protective functions

This section will bolster State Department anti-terrorism programs that provide security protection for the United Nations and U.N. related activities now carried out under title 3 of the United States Code, by the Department of State, pursuant to Executive Order 12478, dated May 23, 1984.

This section will significantly strengthen the range of authorities available for U.N. protection under title 3 by including the protection provision now available under the Foreign Missions Act. This includes, among other provisions, the authority to effect the location of foreign missions based on security concerns, the ability to provide protection for activities that occur away from but are related to U.N. mission activities, provide protection against hostile activities that occur near the United Nations Headquarters, and allow the Attorney General to engage the judicial process on behalf of foreign missions.

Both the decision to provide protective services and the funding for such activities are determined under title 3 of the United States Code. This section provides that provisions of the Foreign Missions Act may be utilized in support of those activities.

TITLE V—STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

This title is intended to enhance the Department of State's ability to deal with the growing threat of international terrorism.

Section 501—Most-wanted international terrorist list

This section requires the Secretary of State to maintain and publish a list of the most wanted international terrorists. During the formulation and maintenance of this list the Secretary of State will consult with the Attorney General. The list will include those individuals with respect to whom a reward could be paid on account of acts of international terrorism or narcoterrorism under section 36 of the State Department Basic Authorities Act of 1956 (as amended by section 503 of this act) and who are sought for prosecution for those acts by the United States.

Section 502—Amount of rewards for information about most wanted international terrorists

This section provides that rewards may be offered by the Secretary of State under section 36 of the State Department Basic Authorities Act of 1956 of up to $1 million with respect to individuals on the most wanted international terrorist list, and individuals sought for an act of international terrorism resulting in the death

of a citizen or national of the United States or involving detention of such person for more than 60 days.

It is the committee's intent that the formulation of this list and the provision of higher rewards will enhance the U.S. Government's efforts to apprehend and effectively prosecute international terrorists. In addition, the committee believes that the identity of international terrorists should be widely known and it should be understood that the United States Government is committed to treating terrorists like the common criminals that they are.

Section 503—Rewards for information relating to international narcoterrorism and drug trafficking

Section 503 amends section 36(a) of the State Department Basic Authorities Act to permit the Secretary of State to offer information rewards on major narcotics traffickers and on narcoterrorist acts.

Section 36(a)(1) restates current law, which gives the Secretary of State the authority to pay rewards to an individual who provides information on acts of international terrorism directed against U.S. persons and U.S. property.

Section 36(a)(2) extends the authority provided in section (a)(1) to include rewards to individuals for information leading to the arrest or conviction in any country of any individual for committing, or conspiring or attempting to commit, a narcotics-related offense which takes place primarily outside the territorial jurisdiction of the United States, if that offense involves (i) a violation of U.S. drug laws which occurs primarily outside the United States by a class I violator (i.e., a major narcotics trafficker), or (ii) the killing or kidnapping outside the territorial jurisdiction of the United States of any officer, employee, or contract employee of the U.S. Government (or a member of the immediate family of any such individual) while that individual is engaged in or on account of official duties in connection with the enforcement of U.S. drug laws or the implementation of U.S. drug control objectives. A reward could also be offered for the prevention or frustration of the acts described above.

Section 503(b) amends section 36(c) of the State Department Basic Authorities Act to require the Secretary of State to advise and consult with the Attorney General before paying any award under this section for information on narcoterrorist or narcotics trafficking acts. Section 36(c) already requires the Secretary of State to consult with the Attorney General before paying rewards for information on terrorist acts over which there is Federal criminal jurisdiction.

Section 503(c) amends section 36(f) of the State Department Basic Authorities Act by earmarking $2 million for information rewards on narcoterrorist and narcotics trafficking acts out of the $5 million currently available for information rewards on terrorist acts. It further provides an authorization of $10 million for fiscal year 1987 for use in paying rewards under this section, of which $5 million is earmarked for information rewards on narcoterrorist and narcotics trafficking acts.

Section 503(d) amends section 36 of the State Department Basic Authorities Act by adding two new subsections at the end of sec-

tion 36. Subsection (g) requires the Secretary of State to submit a report to the Congress not later than 30 days after paying any reward under this section. The report, which may be classified, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. It shall also discuss the significance of the information for which the reward was paid in dealing with those acts. Subsection (h) provides definitions of the terms "United States drug laws" and "member of the immediate family" for the purpose of this section.

Section 503 does not amend current subsections (b), (d), and (e) of section 36 of the State Department Basic Authorities Act. Subsection (b) places a ceiling of $500,000 on a reward, and requires the personal approval of the President or the Secretary of State for any reward over $100,000. Subsection (d) permits the Secretary of State to take measures to protect the recipient of a reward or that recipient's immediate family members if the Secretary determines it to be necessary. Subsection (e) prohibits U.S. and foreign government officers or employees from receiving a reward as a result of information furnished while in the performance of his or her official duties.

The purpose of section 503 is to permit the Secretary of State to pay information rewards not only for international terrorist acts, as provided in current law, but also for narcoterrorist acts and for major narcotics violations overseas. It is the committee's intent that the establishment of this fund will encourage other countries to offer information rewards jointly for such acts. Given the difficulty in many countries of arresting or convicting individuals who commit narcotics-related acts, it is the intent of the committee that rewards may be provided to individuals who provide information valuable to the effective investigation, prosecution, and punishment of such acts.

It is the intent of the committee that rewards be provided only for information on major, not minor narcotics-related offenses overseas. The committee has therefore restricted the use of such rewards to information on individuals considered by the Drug Enforcement Administration to be major narcotics traffickers (class I violators).

The committee further notes that the term "contract employee", as used in subsection 36(a)(2)(A)(ii), is subject to various interpretations, including individuals who have a contractual relation as an informant with the Drug Enforcement Administration (DEA). While the committee does not wish to preclude information rewards for the killing or kidnapping of such individuals when merited, it is the intent of the committee that rewards be granted primarily for information on the murder or kidnapping of individuals directly engaged in U.S. narcotics enforcement actions overseas, or in the implementation of U.S. narcotics control objectives, such as the Peruvian eradication workers who were murdered last year while under contract to the U.S. Embassy.

The committee urges the Secretary of State to use the authority provided in this bill to offer a reward for information on the brutal murder of DEA agent Enrique Camarena in Mexico and DEA contract pilot Alfredo Zavala Avelar.

Finally, it is the committee's intent that if the authority for making information rewards for narcoterrorists and narcotics trafficking acts is delegated by the Secretary of State, it should be delegated only to the Assistant Secretary for International Narcotics Matters, who should consult with the Assistant Secretary for Diplomatic Security before making any awards.

Section 504—Coordination of terrorism-related assistance

This section amends section 502 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) regarding coordination with respect to terrorism-related assistance and clarifies that the Secretary of State's reports must include *all* terrorism-related assistance provided by the U.S. Government to foreign countries.

The committee found that the initial report pursuant to section 502 of the International Security and Development Cooperation Act of 1985 did not provide the full range of information that the committee originally intended as a demonstration of the Secretary of State's authority to be informed of and coordinate all U.S. Government terrorism-related assistance programs.

This modification does not change the understanding of the intent of section 502 with respect to the authorities of the Director of the Central Intelligence Agency or congressional oversight of intelligence activities and handling of intelligence information.

Section 505—Counterterrorism protection fund

This section amends the State Department Basic Authorities Act of 1956 the Secretary of State to make reimbursements for the protection of persons who provide information relating to terrorist incidents which occur primarily outside the territorial jurisdiction of the United States. It also provides for consultation with the Attorney General in matters involving Federal criminal jurisdiction. This section authorizes the appropriation of $1 million for each of the fiscal years 1986 and 1987. A similar provision was requested by the executive branch for inclusion in earlier legislation and reflects a recommendation contained in the report of the Vice President's Task Force on Combatting Terrorism.

Section 506—Reports to Congress on terrorism-related travel advisories

This section stipulates that the Secretary of State shall promptly notify the Congress on the issuance of travel advisories or other public warnings because of a terrorist threat or other security concern.

Section 507—Issuance of travel advisories on account of terrorism supported by Libya, Iran, or other foreign governments

This section expresses the sense of Congress that the Secretary of State should consider issuing travel advisories for any country where a U.S. citizen is attacked by terrorists supported by Libya and Iran, if that country fails to act immediately on the closing of Libyan or Iranian diplomatic missions. This section also applies to any other country which uses its official missions to support terrorist attacks against U.S. citizens.

In January 1986 the Department of State issued a report. "Libya Under Qaddafi: A Pattern of Aggression," detailing Qaddafi's use of terrorism as one of the primary instruments of his foreign policy. This report concluded that Libyan support of terrorism is widespread and includes supplying passports to the Abu Nidal members responsible for the December 27, 1985 attack in the Vienna and Rome airports.

The committee is especially concerned about the use of diplomatic privilege for terrorists purposes such as the use of diplomatic pouches and the use of diplomatic embassies and other official diplomatic missions for transferring and storing weapons and explosives, and views such continued abuses of the Vienna Convention with the utmost gravity. [See section 705 below.]

Section 508—Authority to control certain terrorism-related services

This section amends the State Department Basic Authorities Act of 1956 to authorize the Secretary of State, by regulation, to impose controls on the provision of certain services directly to the military, police, and/or the intelligence services of those countries identified, pursuant to the Export Administraiton Act, as governments who support terrorism (currently, Libya, Iran, South Yemen, North Korea, and Cuba).

Such services must be clearly identified in regulations printed in the Federal Register. Congress has 30 days to review such regulations before they go into effect. In order to control such services, the President is authorized to require licenses. The purpose of this section is to control the provision of services which aid and abet international terrorism. Persons who willfully violate the regulations are subject to fines and imprisonment. The use of the term "willfully" in section 40(e) of the State Department Basic Authorities Act of 1956 as amended by this provision makes it explicit that this section is violated only by those who provide designated services with the specific intent and knowledge that such action would aid and abet international terrorism. Section 508 is expressly limited to serving in or with, or providing training or other technical services having a direct military, law enforcement or intelligence application to or for, the security forces of a designated foreign government. Medical and legal services are not covered, nor are other professional services not having a direct military, law enforcement or intelligence application. This section also does not prohibit the provision of services to other components of a designated foreign government not falling within the definition of "security forces". The section does not cover expressions of sympathy or moral support, lobbying, fund-raising or other financial support directly to the military, law enforcement, and intelligence service of designated foreign governments.

This section reflects an effort on the part of the committee to narrow a proposal originally requested by the administration in 1984. That proposal was prompted by the so-called Wilson-Terpil case, which caused the Justice Department to conclude that Americans could lawfully provide services of considerable value to countries seeking people and skills useful in the execution of terrorist acts. Unfortunately, the broad scope of the administration's propos-

al raised a host of questions about how the proposed change in law would be implemented and who it would potentially affect.

The committee wishes to emphasize the fact that this section is far more limited in its applications than the administration's previous proposal and authorizes the Secretary of State to impose controls on services only if he determines that, in so doing, he will discourage support for international terrorism. This places a burden on the Secretary of State to demonstrate a direct link between the type of services covered by his regulations and actual or threatened acts of terrorism. The goal of the section is solely to control the provision of services that will lead to an improved physical or technical capacity on the part of a hostile foreign power to carry out, or to support, acts of terrorism. No other restrictions on American citizens are authorized by this section.

This section also reflects a recommendation contained in the report of the Vice President's Task Force on Combatting Terrorism. Further, it is not the intent of the committee to undermine lawfully authorized United States Government antiterrorism activities around the world.

Section 509—Exports to countries supporting terrorism

Section 509(a) amends section 6(j) of the Export Administration Act of 1979, as amended, to prohibit the export of any item on the United States Munition List to any country which the Secretary of State detrmines engages in or provides support for international terrorism. In addition, this section provides for a Presidential waiver of the prohibition if the President determines that the proposed export is important to the national interests of the U.S. and he submits to the Congress a report justifying the determination and describing the proposed export. The waiver is applicable only for 90 calendar days unless the Congress enacts a law extending such a waiver.

Section 509 also prohibits the export of goods or technology to a terrorist country if the Secretary of State determines that such exports would make a significant contribution to that country's military potential or would enhance the ability of such country to support international terrorism, except pursuant to a validated export license. In addition, this section provides for 30 legislative days for congressional review before any license is issued pursuant to this section.

Section 509(b) directs the President to take all feasible steps to secure the cooperation of appropriate foreign governments in prohibiting or controlling any exports to terrorist countries of items, goods, and technology which is prohibited or controlled by this section.

TITLE VI—INTERNATIONAL NUCLEAR TERRORISM

This title expresses the high priority the committee places on finding responses to the threat of international nuclear terrorism before we are faced with such an act, and in establishing effective measures to protect nuclear facilities and weapons-grade materials from acts of terrorism.

Section 601—Actions to be taken by the President

Section 601(a)(1) directs the President to seek universal adhe ence to the Convention on the Physical Protection of Nuclear Mate rial.

Section 601(a)(2) directs the President to conduct a review of th physical protection of nuclear materials recommendations of th International Atomic Energy Agency to determine their adequac to deter theft, sabotage, and the use of nuclear facilities and mate rials in acts of international terrorism. The committee believe that, insofar as these recommendations were published in 197 these recommendations are in need of formal review by U.S. Go ernment experts to determine their adequacy and the possibility utilizing new technologies to achieve more effective physical prote tion measures.

Section 601(a)(3) directs the President to take steps to minimiz the amount of weapons-grade nuclear material in internationa transit and to ensure that when any such material is transporte internationally it is protected effectively. These steps are to b taken in concert with United States allies and other countries. Th method of transportation chosen, the constitution of the nuclea material, and legal requirements, among other variables, affe judgements of the most effective means of protection; those jud ments will therefore differ from case to case. The committee do not intend to prescribe a single method or standard of physical pr tection, recognizing that differing combinations of measures ma similarly afford effective means of protecting nuclear materi from terrorist diversion or sabotage. Further, the committee b lieves that joint efforts under agreements for nuclear cooperatio with other nations represent the best means to achieve nonproli eration goals and to continue the use of nuclear energy for peacef purposes.

Section 601(a)(4) directs the President to seek agreement in th United Nations Security Council to establish an effective regime international sanctions against any nations or subnational grou which conducts or sponsors acts of international nuclear terroris and to include measures for coordinating responses to all acts international nuclear terrorism.

Section 601(a)(4)(b) directs the President to report to the Congre annually on the progress made during the preceding year achieving these objectives.

Section 602—Authority to suspend nuclear cooperation with natio which have not ratified the Convention on the Physical Prote tion of Nuclear Material

Section 602 authorizes the President to suspend nuclear cooper tion with any nation or group of nations which has not ratified th Convention on the Physical Protection of Nuclear Material. Th provision demonstrates the committee's strong support for the Co vention, and it is the committee's intention that nuclear cooper tion be conducted subject to effective physical protection standard

Section 603—Consultation with the Department of Defense concerning certain exports and subsequent arrangements

Section 603 is intended to highlight the perspective of the Department of Defense on the physical protection of nuclear material during the interagency executive branch review of certain nuclear export cases and subsequent arrangements.

Section 604—Review of physical security standards

Section 604 requires a Government-wide review of the adequacy of physical protection measures applied to shipments and storage (outside the United States) of nuclear material subject to U.S. prior consent rights. The committee intends that each department or agency provide, in the final report to the Congress pursuant to this section, its own perspective, analysis, and recommendations regarding the adequacy of the physical protection standards. This provision does not require onsite visits to inspects material. Rather, this review shall be carried out utilizing all available information within the U.S. Government, should be submitted in both classified and unclassified forms, and is not intended to infringe on the responsibilities of foreign countries for the conduct of police functions.

Section 605—International review of the nuclear terrorism problem

Section 605 directs the President to seek a comprehensive review of the problem of nuclear terrorism by an internationl conference.

TITLE VII—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM

This title emphasizes the importance the committee places on gaining multilateral cooperation among our friends and allies in order to more effectively combat, on a worldwide basis, the growing threat of international terrorism. It is the committee's belief that the civilized nations of the world must cooperate if the spread of terrorism is going to be halted.

Section 701—Consideration of international terrorism at the Tokyo Economic Summit Conference

Section 701 directs the President to seek the inclusion of internatinal terrorism on the agenda of the upcoming Tokyo Economic Summit and to reaffirm and broaden the principles of the 1978 Bonn Declaration regarding hijacking to include all forms of trnsportation and to require the extradition or prosecution of those responsible for planning in the hijacking. It is the committee's intent that this section reaffirm the importance the U.S. Government should place on multilateral cooperation to combat the growing threat of international terrorism. This section also reflects a recommendation contained in the report of the Vice President's Task Force on Combating Terrorism.

Section 702—International Anti-Terrorism Committee

This section directs the President to continue to seek the establishment on an international coordinating committee whose sole focus would be the problems and responses to international terror-

ism. This language reinforces section 506 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) which called for the establishment of such a committee.

Section 703—International arrangements relating to passports and visas

This section directs the President to seek the negotiation of international agreements or other appropriate arrangements to provide for enhanced information sharing relating to passports and visas in order to more effectively combat international terrorism. This section also reflects a recommendation contained in the report of the Vice President's Task Force on Combating Terrorism.

Section 704—Protection of Americans endangered by the appearance of their place of birth on their passports

Section 704(a) expresses the sense of Congress that some U.S. citizens may be endangered during a hijacking or other terrorist incident because their place of birth currently appears on their U.S. passports.

Section 704(b) directs the Secretary of State to enter into negotiations with other countries to obtain a general agreement to delete the place of birth as a required item on passports.

This section was added because it has been brought to the committee's attention that many Americans believe that, in the event of a hijacking or other terrorist incident abroad, their U.S. passports, showing their place of birth, could become, in effect, their death warrants. This is particularly true in the case of American citizens who may be naturalized or born abroad to American parents and whose origin is in an Eastern Bloc country, Israel, or other nation whose natives are special targets of terrorism.

It is the committee opinion that, in the interim, when an American reasonably believes that a place of birth entry on his or her passport could place him or her in danger, the Secretary of State should issue a passport without a blank space for the place of birth entry. Any person requesting this deletion should be required to acknowledge his responsibility for any inconvenience caused by the absence of any such entry. The committee believes that the Secretary of State has ample authority to issue such passports.

The committee expects an early report from the Department of State on the progress it has made with respect to subsection (b) and requests periodic informal reports on the number of requests for passports without the place of birth entry and the number of such requests granted.

Section 705—Use of diplomatic privileges and immunities for terrorism purposes

This section directs the President to seek the adoption of a United Nations resolution condemning the use for terrorist purposes of diplomatic privileges, especially the use of diplomatic pouches, and immunities under the Vienna Convention. This section also reflects a recommendation contained in the report of the Vice President's Task Force on Combating Terrorism.

Section 706—Reports on progress in increasing multilateral cooperation

This section requires that the President shall submit a report to the Congress pursuant to each of the sections in this title no later than six months after the date of enactment of this act. These reports shall detail the progress being made in the achievement of the objectives described in those sections.

TITLE VIII—VICTIMS OF TERRORISM COMPENSATION

Section 801—Short title

The short title of H.R. 2851 is the Victims of Terrorism Compensation Act.

Section 802—Benefits for captives and other victims of hostile action

This section adds new sections 5569 (Benefits for Captives) and 5570 (Compensation for Disability or Death) to subchapter VII of chapter 55 of title 5, U.S. Code.

Section 5569(a)—Benefits for captives

Section 5569(a)(1) Defines "captive" as any individual in a captive status who is in the civil service, or a citizen, national, or resident alien of the United States who is rendering personal service to the United States. This definition includes individuals having a contractual relationship with the Government. Captive under this section does not include members of the uniformed services (see section 805 of the bill for provisions applicable to members of the uniformed services).

Section 5569(a)(2) defines "captive status" as a missing status which, as defined by the President, arises out of a hostile action and is a result of the individual's relationship with the U.S. Government. It is the committee's intention, by defining this term broadly, that benefits may be available for a range of hostage situations occurring under different circumstances. It is not necessary that the hostile act be directed against the United States in order to trigger eligibility for benefits. The final determination as to whether an individual is a captive, however, will be made by the President.

Section 5569(a)(3) adopts the definition of "missing status" from 5 U.S.C. 5561(5) and applies that definition to both U.S. Government employees and those rendering personal to the United States. Section 5561(5) covers circumstances under which the employee is missing, missing in action, interned in a foreign country, captured, beleaguered, or besieged by a hostile force, or detained in a foreign country against his or her will.

Section 5569(a)(4) defines "family member" as a dependent of a captive individual and any individual who is a member of the captive's family or household. It is the committee's intent that nondependent parents or children be eligible to receive benefits. The term "dependent" is defined under existing law (5 U.S.C. 5561(3)).

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Section 5569(b)—Special savings account

Section 5569(b)(1) directs the Secretary of the Treasury to establish an interest-bearing savings fund into which an agency head may deposit any portion of a captive's pay or allowances which are not otherwise subject to an allotment under any other provision of law. In cases where satisfactory mechanisms already exist, a spouse or family member may opt to use an existing account, rather than the special savings account. The savings fund is designed to aid families and captives when activity is of a relatively long duration. The Secretary of the Treasury may delay the establishment of such an account for a reasonable amount of time if the cost to the Government in setting up the account is such that it is not appropriate for short periods of captivity. The Government will bear the expense of establishment any such account.

Section 5569(b)(2) sets the interest rate for the savings fund, for any calendar quarter, as equal to the average rate paid on US Treasury bills with 3-month maturities issued during the preceding calendar quarter. Such interests would be compounded quarterly.

Section 5569(b)(3) provides that amounts in the savings fund are considered as pay and allowances for purposes of 5 USC 5563 which governs the authority to initiate, suspend, or increase allotments of pay and allowances for individuals in a missing status. Section 5563 authorizes the Secretary of the Treasury to establish procedures for withdrawal of funds from this account so that the families of captives have access to the income during the period of captitity.

Section 5569(b)(4) provides that any interest accruing in the savings account on any amounts which an individual owes the United States under section 5562(c) of title 5, will be considered as part of the amount due the United States. Section 5562(c) of title 5 states that an employee who is absent from his post without authority is indebted to the United States for payments credited to his or her account during that absence. Section 5569(b)(4) also states that under section 5566(f) of title 5, any interest earned on pay deposited in the savings fund while the agency had no evidence of the captive employee's death, due to a delay in receiving that evidence, may not be recouped by the Government.

Section 5569(b)(5) provides that an allotment may be made without regard to 5 USC 5563(c) which states that all allotments from the pay of an employee in a missing status may not total more than the amount of pay permitted to be allotted under regulations prescribed by the head of the agency concerned. Under the bill, even if an agency had regulations that did not permit an employee to allot his or her entire pay, the head of an agency could authorize an allotment of all pay to provide income for the employee's family.

Section 5569(c)—Medical and health care

Section 5569(c) directs the head of an agency to pay a captive and any family member of such captive for medical and health care costs and other expenses related to such care to the extent that the

care is incident to the captivity and is not covered by any Government medical or health program or by insurance.

The committee is concerned not only with the health of an individual which may be affected by actual physical as well as mental hardship during captivity, but also with the health of family members. Existing Government programs may not sufficiently cover medical and psychological care necessitated by captivity or the strain of having a family member in a captive status. The committee believes that all medical and health care incident to the employee's being taken captive should be available to captives and family members.

Section 5569(d)(1)—Cash payment

Section 5569(d)(1) requires the President, except in the case of an individual who is charged with or convicted of an offense as described in paragraph (3) below, to make cash payment to any individual who was or is determined to be a captive status commencing on or after November 4, 1979. The cash payment will be made before the end of the 1-year period beginning on the date on which the individual's captive status terminates. If the individual's captivity ended before the enactment of this legislation, payment will be made within one year of the date of enactment.

Section 5569(d)(2) provides that the cash payment shall be no less than the amount of the worldwide average per diem rate based on the rate or rates in effect during the duration of the captivity involved. The President is authorized to increase the amount of the cash payment to recognize harshness of captivity or any other factor that the President considers appropriate.

In recommending that the level of compensation be set at the worldwide average per diem rate, the committee feels that it has set a fair rate of compensation for victims of terrorism who have yet to receive any cash award as well as for future captives. The rate reflects current costs of fulfilling an employee's basic needs and is regularly adjusted for inflation.

In determining a level of cash compensation for civilian captives, the committee attempted to weigh the issues presented in the debate over the rate of compensation for the Iran hostages. At the time that the President's Commission on Hostage Compensation presented its findings, many felt that the Commission's recommendation that the hostages receive $12.50 per day for every day in captivity vastly underestimated both the captivity itself and the sympathy of the American people for the captives' plight. Others suggested that any cash award should be upward of $100 per day or more. The per diem rate chosen by the committee is a uniform rate which is a reliable gauge of the Government's obligation to its employees when the are engaged in official business away from the normal duty station.

Section 5569(d)(3) provides that the President may defer or deny a cash payment in the case of certain individuals. The cash payment may be deferred for an individual, during the 1-year period described in paragraph (1), who is charged with an offense under subsection (b) or (c) of section 8312 of title 5 until final disposition of the charge. The cash payment may be denied if the individual is convicted of such an offense. In both cases, the offense must have

been committed during the individual's period of captivity and related to the individual's captive status. Section 8312 (b) and (c) of title 5 provides a list of offenses such as harboring or concealing persons and treason.

Section 5569(d)(4) provides that payment under this subsection is in addition to any other amount provided by law.

Section 5569(d)(5) provides that, if a captive or former captive dies before payment is made, the payment will be made to the employee's beneficiaries under the provisions of subchapter VIII of chapter 55 of title 5, U.S. Code. In the case of a person not covered by subchapter VIII, similar provisions prescribed by the President shall apply.

Section 5569(d)(6) provides that a cash payment that is later denied under paragraph (3)(B) is a claim of the U.S. Government for purposes of section 3711 of title 31 of the United States Code.

Section 5569(e)—Benefits under the Soldiers' and Sailors' Civil Relief Act of 1940

Section 5569(e) provides that, under regulations prescribed by the President, certain civil relief provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 shall be provided to captives. This gives a court the authority to defer civil actions or proceedings affecting an individual's status or property rights until the individual is capable of responding to the action. These benefits are identical to those provided in the Hostage Relief Act of 1980, and include section 701 of the Civil Relief Act, but exclude those provided under sections 104, 105, 106, 400 through 408, 501 through 512, and 514.

Section 5569(f)—Educational benefits

Section 5569(f)(1) states that the head of an agency shall provide a spouse or child of a captive with certain expenses while they are attending an educational or training institution.

Section 5569(f)(1)(A) provides that such expenses may be paid through advancement or reimbursement for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses.

Section 5569(f)(1)(B) prescribes the time period for which educational benefits are payable. Benefits are available for education or training which occurs after a captive has been held for 90 days or more. Payments may also be made for the completion of any semester or quarter which begins before the date on which the captivity terminates. If the educational or training institution is not operated on a semester or quarter system, payments may be made for either the end of any course which began before the termination of captivity, or the end of the 16-week period following that date, whichever is earlier. In special circumstances, an agency head may extend the date for which educational benefits are available. For example, the date may be extended if a captive is unable to pursue a career for an extended period of time after being released from captivity and the support of the family falls on another family member.

Section 5569(f)(1)(C) states if a captive dies, and the death is incident to the individual's captivity, payments will be made to a

spouse or child of the captive for education or training which occurs after the captive's death.

Section 5569(f)(1)(D) states that educational benefits will not be provided for a spouse or child who is eligible for assistance under chapter 35 of title 38, U.S. Code, which provides benefits for family members of members of the uniformed services, or similar assistance under any other provision of law.

Section 5569(f)(1)(E) defines "child" as a dependent under section 5561(3)(B) of title 5, i.e. "an unmarried child (including an unmarried dependent stepchild or adopted child) under 21 years of age."

Section 5569(f)(2)(A) provides that, in special circumstances, the head of an agency may pay a captive for educational and training expenses. Such expenses may be covered by advancement or reimbursement for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses. It is the committee's intent that retraining should be available for captives who are unable to continue in their work with the Government because of their experiences in captivity.

Section 5569(f)(2)(B) provides that payments for a captive's educational and training expenses will be available at the end of the individual's captivity. Benefits will remain available until the end of any semester or quarter which begins before the date which is 10 years after the day on which the captive status ended. If the chosen institution is not operated on a semester or quarter system, payments will terminate at the end of any course which began before such date, or the end of the 16-week period following that date, whichever is earlier.

Section 5569(f)(3) provides that educational and training assistance will be discontinued if the individual's conduct or progress is unsatisfactory under standards consistent with those established under section 1724 of title 38. An individual may not be provided such assistance for a period in excess of 45 months (or the equivalent in other than full-time education or training).

Section 5569(f)(4) provides that regulations prescribed to carry out this subsection shall provide that the program be consistent with the assistance program under chapters 35 and 36 of title 38, which concerns veterans benefits.

Section 5569(g) provides that medical benefits under subsection (c) and cash payments for hostages under subsection (d) may, under regulations prescribed by the President, be provided to a family member of a U.S. Government employee if the family member is held in captive status and if the employee is performing service for the United States when the captive status of the family member begins.

Section 5569(h) states that, except for the cash payment provided in subsection (d), new section 5569 applies to any individual held in a captive status commencing after January 21, 1981.

Section 5569(i) provides that a Presidential determination under subsection (a)(2), that an individual is in a "captive status", or (d), concerning the cash payment to captives, is conclusive and is not subject to judicial review.

Section 5569(j) authorizes the President to prescribe the necessary regulations to administer this section.

Section 5570—Compensation for disability or death

Section 5570(a) provides definitions for the terms used in section 5570.

Section 5570(a)(1) defines "employee" as any individual in the civil service, and any individual rendering personal service to the United States similar to the service of an individual in the civil service. This definition does not cover members of the uniformed services (see section 805 of the bill for discussion of members of the uniformed services). The committee intends that foreign national employees, contract employees, and other individuals having a contractual relationship with the Government be included in the definition. The term "civil service" is defined to include "all appointive positions in the executive, judicial, and legislative branches of the Government of the United States, except positions in the uniformed services," (5 U.S.C. 2102(1)).

Section 5570(a)(2) defines "family member" as any dependent of an employee, and any individual who is a member of the employee's family or household. By this definition, the committee intends that individuals who are not strictly "dependent" on the captive employee, such as nondependent adults or adult children, might receive benefits when the injury or death of an employee or family member of an employee makes them eligible under this legislation.

Section 5570(b) directs the President to prescribe regulations under which the head of an agency may pay compensation for the disability or death of an employee or family member of an employee, if the President determines that the disability or death was caused by hostile action and was a result of the individual's relationship with the Government.

Section 5570(c) provides that compensation under this section for disability or death shall be reduced by the amount of any other death or disability benefits funded in whole or in part by the United States. The cash payment under section 5569(d) is excluded from the offset requirement. This section also provides that the required offset will not result in the reduction of the individual's benefits below zero.

Section 5570(d) provides that a determination by the President under subsection (b), as to whether the disability or death of an employee or family member of the employee was caused by a hostile action and was a result of the individual's relationship with the United States, is conclusive and is not subject to judicial review.

Section 5570(e) authorizes payment for any medical or health expenses relating to death or disability under this section if the expenses are not covered under new section 5569(c), and are not covered by Government or other insurance. The committee intends that this section would provide payments, for example, for psychological counseling of the surviving children of an emloyee or family member who is killed in a terrorist attack.

Section 5570(f) provides that new section 5570 applies to any disability or death resulting from an injury which occurs after September 30, 1985.

Section 2(b) makes conforming amendments to the analysis of chapter 55 of title 5, U.S. Code.

tion 803—Retention of leave by alien employees following injury from hostile action abroad

ection 803 authorizes up to 1 year of leave with pay for a for-n service national employee to recuperate from injuries result- from terrorist acts. Section 3 amends section 6325 applicable to alien employee referred to in section 6301(2)(viii) of title 5 for leave granted under section 6310 of title 5 or under section 408 the Foreign Service Act of 1980. Section 6325 provides an em-yee with up to 1 year's leave absence due to an injury incurred ile serving abroad and resulting from war, insurgency, mob vio-ce, or similar hostile action. Section 6310 authorizes the head of agency to grant leaves of absence, with pay, to alien employees o occupy positions outside the United States. Section 408 of the reign Service Act of 1980 concerns local compensation plans.

tion 804—Transition provisions

Section 804(a) authorizes allotments to the savings fund author-d under new section 5569(b) of title 5, U.S. Code, from pay and owances for any pay period ending after January 21, 1981, and fore the establishment of such fund. Interest earned on such al-ments for any pay period will be calculated as if the allotment d occurred at the end of such pay period.

Section 804(b) provides that medical and educational benefits as thorized under new section 5569 (c) and (f), respectively, will be ailable to family members of individuals taken captive after Jan-ry 21, 1981, and before the effective date of the amendments ade by this act, under regulations prescribed by the President.

Section 4(c) provides that the definition of "pay and allowances" purposes of this section has the meaning provided under section 1 of title 5 U.S. Code.

The committee did not consider tax relief provisions for captives d family members, as this subject is not within the committee's risdiction. However, the committee notes that section 5568 of title U.S. Code, (concerning Government employees) and section 558 title 37, U.S. Code, (concerning members of the uniformed serv-s), provide income tax deferment for an individual who is in a ssing status.

Section 5568 of title 5, and section 558 of title 37 allow a Govern-ent employee or member of the uniformed services to defer filing Federal income tax return or paying any tax due until the 15th y of the third month after the individual's captivity ends (or an ecutor of the individual's estate is appointed), if the individual as in a missing status on the date the return or payment was due. e Secretary of the Treasury may further extend the time for ing or making payment on the return. It is the committee's tent that both tax deferral provisions be applied to captives as fined under this legislation.

ction 805—Benefits for members of uniformed services who are victims of hostile action

Section 805(a)(1) amends chapter 10 of title 37, U.S. Code, by ding a new section 559 regarding benefits for members of the iform services held as captives.

Section 559(a)(1) defines "captive status" as a missing status of a member of the uniformed services which arises because of a hostile action and is a result of membership in the uniformed services. It does not include a period of captivity of a member as a prisoner of war if Congress provides monetary payment in recognition of that captivity in legislation enacted after the date of enactment of this act. The final determination as to whether an individual is a captive will be made by the President.

Section 559(a)(2) defines "former captive" as a person who, as a member of the uniformed services, was held in a captive status.

Section 559(b)(1) directs the Secretary of the Treasury to establish a savings fund to which the Secretary concerned may allot all or a portion of the pay and allowances of a member of the uniformed services who is a captive. Such allotments may be made only to the extent that such pay and allowances are not subject to an allotment under section 553 of title 37 or any other provision of law. Section 553 of title 37 relates to the continuance, suspension, initiation, resumption, or increase of allotments while the member is in a missing status. The Secretary of the Treasury may delay the establishment of such an account for a reasonable amount of time if the cost of the Government in setting up the account is such that it is not appropriate for short periods of captivity. The Government will bear the expense of establishing such an account.

Section 559(b)(2) sets the interest rate for amounts alloted to the savings fund, for any calendar quarter, as equal to the average rate paid on U.S. Treasury bills with 3-month maturities issued during the preceding calendar quarter. The interest would be computed quarterly.

Section 559(b)(3) provides that amounts in the savings fund will be considered as pay and allowances for the purposes of section 553(c) of title 37. This section also authorizes the Secretary of the Treasury to estabalish procedures for withdrawal of funds from this account for use by a captive's family in case of need.

Section 559(b)(4) provides that any interest accruing in the savings fund on any amounts which the member owes the United States under section 552(c) of title 37, will be considered as part of the amount due to the United States. In addition, any amount refered to in section 556(f) of title 37, concerning amounts deposited in the savings fund while the agency had no knowledge of the member's death due to delay in receiving evidence of death, may not be charged against the pay of the deceased member.

Section 559(b)(5) provides that an allotment may be made to the savings fund without regard to section 553(c) of this title. Section 553(c) provides that the total of all allotments from the pay and allowancs of a member in missing status may not be more than the amount of pay and allowance the member is permitted to allot under regulation.

Section 559(c)(1) requires the President to make a cash payment to any person who is a former captive before the end of the 1-year period which begins on the day the captive status ends.

Section 559(c)(2) authorizes the President to determine the amount of the cash payment, under provisions of section 5569(d)(2) of title 5, U.S. Code.

Section 559(c)(3)(A) authorizes the President to defer or deny a cash payment under certain circumstances. The President may defer such payment if the former captive is charged with an offense described under section 8812 (b) or (c) of title 5 or under chapter 47 of title 10 during the 1-year period following the termination of the captive status. Such deferral would end at the final disposition of the charge. The President may deny such payment if a former captive is convicted of a captivity-related offense under section 8812 (b) or (c) of title 5 or under chapter 47 of title 10 (the Uniform Code of Military Justice).

Section 559(c)(3)(B) defines a "captivity-related offense" as an offense that is (1) committed by a person while the person is in a captive status, and (2) related to the captive status of the person.

Section 559(c)(4) provides that such cash payments are in addition to any other amount provided by law.

Section 559(c)(5) provides that any cash payment will be considered as part of such person's pay and allowances after the person's death.

Section 559(c)(6) provides that any cash payment made to a former captive that is later denied because of a conviction of a captivity-related offense is a claim of the U.S. Government for purposes of section 3711 of title 31.

Section 559(d) provides that determinations by the President under subsection (a)(1) regarding an individual's captive status, and subsection (c) regarding a cash payment, are final and not subject to judicial review.

Section 805(a)(2) amends the table of sections at the beginning of chapter 10 by adding the new section 559.

Section 805(a)(3) provides that all provisions of section 559, except subsection (c) regarding the provision of a cash payment, will apply to any person whose captive status begins after January 21, 1981. The provision of a cash payment will apply to any person whose captive status begins on or after November 4, 1979, the date on which the Iran hostage crisis began. This section also provides that, if an individual's captive status ended before the date of enactment of this act, the President shall make a cash payment under subsection (c) within 1 year of the date of enactment of this legislation.

Section 805(a)(3) further provides that amounts may be allotted to the savings fund established under sectiuon 559(b) from pay and allowances for any period ending after January 21, 1981, and before the establishment of the savings fund. Interest on allotments for any such pay period will be calculated as if the allotment had occurred at the end of such pay period.

Section 805(b)(1) adds new section 1051 to chapter 53 of title 10, U.S. Code.

Section 1051—Disability and death compensation: Dependents of members held as captives

Section 1051(a) directs the President to prescribe regulations under which the Secretary concerned may pay compensation for the disability or death of a dependent of a member of the uniformed services. Such compensation may be paid if the President determines that the disability or death was caused by a hostile

action and was a result of the dependent's relationship to the member of the uniformed services.

Section 1051(b) provides that compensation payable to an individual under this section for disability or death will be reduced by any amounts payable to that individual under any other program funded in whole or in part by the United States. However, this offset shall not result in the reduction of an individual's benefits below zero.

Section 1051(c) provides that a determination by the President regarding compensation for disability or death of a dependent under this section is conclusive and not subject to judicial review.

Section 1051(d) applies certain definitions in title 37, U.S. Code, to this section.

Section 805(b)(2) amends the table of sections at the beginning of chapter 53 of title 10 by adding the new section title for section 1051.

Section 805(b)(3) provides that the provisions of section 1051 of title 10 apply with respect to any disability or death resulting from an injury that occurs after September 30, 1985.

Section 805(c)(1) amends Chapter 55 of title 10 of the U.S. Code by adding a new section 1095.

Section 1095—Medical care: Members held as captives and their dependents

Section 1095(a) provides that, under regulations prescribed by the President, the Secretary concerned shall pay a former captive or a dependent of a captive or a former captive, for health care to the extent that such care is incident to the captive status and is not covered by any Government health program. Payment may be made by advancement or reimbursement. As outlined in the earlier discussion of section 5569(c) added by section 2 of the bill, covered care includes all health care incident to captivity, including psychological care.

Section 1095(b) provides that, when practicable, such health care will be provided in a facility of the uniformed services.

Section 1095(c) defines terms in accordance with their meanings under title 37 of the U.S. Code. The committee notes that the secretary of each military department may use the discretionary authority provided by title 10, U.S. Code, to confer special medical designee status on a deserving member of captive's or former captive's family who does not meet the definition of dependent under section 551 of title 37, U.S. Code.

Section 805(c)(2) amends the table of sections at the beginning of chapter 55 of title 10 to include the new section title for section 1095.

Section 805(c)(3) provides that new section 1095 applies to any person whose captive status begins after January 21, 1981. It also directs the President to prescribe specific regulations regarding the implementation of section 1095 with respect to individuals whose captive status begins and ends between January 21, 1981 and the date of enactment of this act.

Section 805(d)—Educational assistance

Section 805(d)(1) amends part III of title 10 by adding a new chapter 109—Educational assistance for members held as captives and their dependents. New sections 2181 through 2185 are as follows:

Section 2181—Definitions

Section 2181 defines certain terms to have the meanings given in title 37.

Section 2182—Educational assistance: Dependents of captives

Section 2182(a) provides that, under regulations prescribed by the President, the Secretary concerned shall pay a dependent of a captive for expenses incurred while attending an educational or training institute. Such expenses include: subsistence, tuition, fees, supplies, books, equipment, and other educational expenses, payment may be made by advancement or reimbursement.

Section 2182(b) provides for payments for education or training for a dependent of an individual who is a captive. Payments shall be made to a dependent for education or training after the individual has been in a captive status for 90 days or more. Payments may also be made for the completion of any semester or quarter which begins before the date on which the captivity ends. If the educational or training institution is not operated on a semester or quarter system, payments may be made for either the end of any course which began before the termination of captivity, or the end of the 16-week period following that date, whichever is earlier. The Secretary concerned may also specify a date for which educational and training benefits may be available in order to respond to special circumstances.

Section 2182(c) states that if an individual who is a captive or former captive dies, and the death is incident to the captivity, payments will be available to a dependent for education or training that occurs after the individual's death.

Section 2182(b) provides that educational benefits will not be provided for a spouse or child who is eligible for assistance under chapter 35 of title 38, U.S. Code, which provides benefits for family members of members of the Armed Forces, or similar assistance under any other provision of law.

Section 2183—Educational assistance: Former captives

Section 2183(a) provides that, in special circumstance, the Secretary concerned may pay a former captive for educational or training expenses. Such expenses may be covered by advancement or reimbursement for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses. It is the committee's intent that retraining should be available for captives who are unable to continue in their work with the Government because of their experiences in captivity.

Section 2183(b) provides for the time period during which educational or training assistance may occur, with an exception provided under section 2184, below. Benefits will be available at the end of the individual's captivity and will remain available until the end of

any semester or quarter which begins within 10 years of the end of captivity. If the chosen institution is not operated on a semester or quarter system, payments will terminate at the end of the 16-week period following the termination of the 10-year period, whichever is earlier. Payments will be available only to the extent that such payments are not otherwise authorized by law.

Section 2184—Termination of assistance

Section 2184 provides that educational or training assistance be discontinued for a person whose conduct or progress is unsatisfactory under the standards established under section 1724 of title 38. Assistance may not be provided for any person for more than 45 months, or the equivalent in part-time educational or training.

Section 2185—Programs to be consistent with programs administered by the Veterans Administration

Section 2185(d) states that regulations prescribed to carry out chapter 109 will provide that the educational or training programs under this chapter be consistent with the educational assistance programs under chapters 35 and 36 of title 38, including the level of benefits payable.

Section 805(d)(2) amends the table of chapters at the beginning of subtitle A of title 10, and the table of chapters at the beginning of part III of such subtitle, by inserting the title for chapter 109.

Section 805(d)(3) provides that chapter 109 of title 10 shall apply with respect to persons who become captive after January 21, 1981.

The following is a letter from Hon. Les Aspin, chairman of the Committee on Armed Services, to Hon. Dante B. Fascell, chairman of the Committee on Foreign Affairs, relating to section 805 of the bill:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, October 30, 1985.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR DANTE: Your committee has before it H.R. 2851, a bill to provide certain benefits for Government employees and similarly situated persons who are captured, kidnapped, or otherwise deprived of their liberty as a result of hostile action directed against the United States.

I am told that, as reported from the Committee on Foreign Affairs, the bill will address benefits for members of the uniformed services. I am also told that you would like to bring the bill to the floor in the near future. I would have no objection to your doing so. Of course, I note the jurisdiction of the Committee on Armed Services over legislation affecting compensation and other benefits for members of the uniformed services.

The provisions of H.R. 2851 (as amended in you committee) that fall within the jurisdiction of the Committee on Armed Services would amend titles 10 and 37, United States Code, to provide benefits for members of the uniformed services and their dependents

comparable to those provided for civilian employees in the bill as it was introduced.

I would appreciate your using this letter to help explain and record the jurisdictional circumstances involved in your moving this bill. I look forward to our working together on other matters that affect our respective jurisdictions.

Sincerely,

LES ASPIN,
Chairman.

Section 806—Effective date of entitlements

Section 806 provides an effective date of October 1, 1986, for the provisions of this title.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 7, 1986.

Hon. WILLIAM D. FORD,
Chairman, Committee on Post Office and Civil Service,
Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Foreign Affairs today reported H.R. 4151, the Omnibus Diplomatic Security and Anti-terrorism Act, as amended. A copy of the Committee reported bill is enclosed.

Two portions of the legislation fall within the jurisdiction of the Committee on Post Office and Civil Service, as well as within the jurisdiction of the Committee on Foreign Affairs. Title III directs the Secretary of State to create an Accountability Review Board in cases of serious injuries, loss of life, or significant destruction of property at or related to a U.S. Government mission abroad. Among other functions, this Board may recommend disciplinary action against an employee where the Board finds reasonable cause to believe that the employee breached his or her duty. Disciplinary action, if any, would be carried out by the agency which employees the individual.

Title VIII incorporates the provisions of H.R. 2851, the Victims of Terrorism Compensation Act, as reported by the Committee on Foreign Affairs on November 18, 1985. The Committee on Post Office and Civil Service had previously reported the legislation on July 15, 1985.

While I recognize that the Committee on Post Office and Civil Service has valid jurisdictional claims to these sections, I urge you to waive sequential referral so that this important legislaton can be considered on the House floor in the near future.

With best wishes, I am

Sincerely yours,

DANTE B. FASCELL,
Chairman.

MARCH 6, 1986.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning the omnibus anti-terrorism legislation (H.R. 4151).

I have reviewed the legislation ordered reported by the Committee on Foreign Affairs and find no ground for objection to provisions contained therein which fall within the jurisdiction of the Committee on Post Office and Civil Service. Specifically, Title III, relating to the Accountability Review Board, establishes no new procedures for taking disciplinary actions against Federal workers. I assume that any disciplinary action taken as a result of a finding by the Board would be taken in accordance with existing law and existing procedures of the agency employing the individual.

The changes made by the Committee on Foreign Affairs to the Victims of Terrorism Compensation Act (H.R. 2851), as contained in Title VII of H.R. 4151 as reported, are minor and wholly acceptable to the Committee on Post Office and Civil Service.

In the interest of expediting the business of the House, the Committee on Post Office and Civil Service will not seek sequential referral of the bill and will interpose no objection to the consideration of H.R. 4151 by the House provided such consideration will not imperil or in any other way affect the jurisdiction of this Committee as established by House Rule X, clause 1(o).

I would appreciate your including a copy of this letter in your Committee's report accompanying H.R. 4151.

With kind regards,

Sincerely,

WILLIAM D. FORD,
Chairman.

TITLE IX—MARITIME SECURITY

Since the hijacking of the *Achille Lauro,* the committee has reaffirmed its commitment to establishing an effective regime for maintaining security standards at both domestic and foreign ports, similar to the regime established in the International Security and Development Cooperation Act of 1985 (Public Law 99–83) with respect to airports and airlines. The committee realizes the immensity of such a task, but believes, given the fact that Americans account for approximately 90 percent of those traveling by sea, that an effort must be made to upgrade and maintain security, both at seaports and on board passenger vessels.

Section 901—Short title

This title may be referred to as the "International Maritime and Port Security Act."

Section 902—International measures for seaport and shipboard security

This section encourages the President to continue to seek agreement through the International Maritime Organization on matters

f international seaport and shipboard security, and lists specific ems which are recommended to enhance antiterrorism security at orts and on passenger vessels. This section reflects a recommenda- ion contained in the report of the Vice-President's Task Force on ombating Terrorism.

ection 903—Measures to prevent unlawful acts against passengers and crews on board ships

Section 903 requires the Secretary of State and the Secretary of ransportation to jointly report to Congress by December 31, 1986, n the progress of the International Maritime Organization (IMO) n developing recommendations on measures to prevent unlawful cts against passengers and crews on board ships.

In October 1985, the Italian cruiseliner, *Achille Lauro*, was hi- acked by terrorists in the Mediterranean Sea. The vessel, with ap- roximately 400 passengers and crew, was held for 4 days before its elease. During this time an American citizen, Leon Klinghoffer, vas murdered by the terrorists. In November 1985, the 14th Ses- ion of the International Maritime Organization Assembly met in ondon. In light of the *Achille Lauro* incident, the United States, t the 14th session of the IMO, proposed a resolution calling upon ll nations, port authorities, shipowners, shipmasters, and crews to ake steps to review and strengthen security at ports and on board essels. The resolution also directed the Maritime Safety Commit- ee of the IMO to develop detailed, technical recommendations on neasures that could be taken by all nations to ensure the security f passengers and crews on board ships. The resolution was adopted verwhelmingly by the Assembly and referred to the Maritime afety Committee.

The first meeting of the Maritime Safety Committee, subsequent o the adoption of the resolution, was held during January and ebruary of 1986. Sixty-two member governments participated in his session. The United States presented a draft proposal on meas- ires to prevent unlawful acts against passengers and crews on oard ships. The proposal became the vehicle for development by he Maritime Safety Committee of recommendations for increasing ecurity at ports and on vessels. At the end of the session it was greed that the proposal would be reviewed by the IMO member overnments and that final action would be scheduled for the next neeting of the Maritime Safety Committee in September 1986. ubsequent to final action by the Maritime Safety Committee, the ecommendations will be forwarded to the IMO Assembly for ap- roval. The proposal as drafted by the Maritime Safety Committee s on file with the Committees on Foreign Affairs and on Merchant Marine and Fisheries.

The Committee on Foreign Affairs and the Committee on Mer- hant Marine and Fisheries commend the administration and the MO member nations for moving expeditiously to develop measures o increase security. The committees, nevertheless, are concerned hat this situation may change and that progress on the recommen- lations may be delayed. The committees intend that they be ap- rised of the activities of the IMO on this issue by December 31, 986.

The report required by the Secretaries of State and Transportation should include an assessment of the progress of the IMO in finalizing the proposal on measures to prevent unlawful acts against passengers and crews on board ships. The report should also detail any obstacles that have slowed down, or threaten to slow down, finalization of the proposal. The report should include information on any nations that are delaying or attempting to delay the process; the specific areas of agreement or disagreement among the IMO member governments; and an evaluation of when final action on the proposal is expected.

If the IMO fails to finalize and accept the recommendations by December 31, 1986, section 903 requires that the Secretary of Transportation include in the report proposed legislation to be implemented unilaterally by the United States. The committees believe that the United States must continue to address the problem of security at ports and on vessels and that any delays in the work of the IMO must not result in corresponding delays in actions by the United States. Any proposed legislation submitted to the Committee on Merchant Marine and Fisheries under this section is to be based on the conclusions drawn from the assessment of threat to U.S. ports and vessels using those ports conducted by the Secretary of Transportation under section 905. The committees recognize that the section 905 assessment may conclude that current security is adequate to address the level of threat from terrorist activities. Should this be the case, the committees recognize that the Secretary of Transportation may recommend that domestic legislation is unnecessary.

Section 904—Panama Canal security

This section directs the President to report on the status of physical security at the Panama Canal with respect to the threat of international terrorism.

Section 905—Threat of terrorism to U.S. ports and vessels

Section 905 directs the Secretary of Transportation to report to the Congress on the threat of acts of terrorism to U.S. ports and vessels operating from those ports. The Committees on Merchant Marine and Fisheries and on Foreign Affairs believe that the risk assessment is necessary before the Congress can knowledgeably consider whether legislation should be enacted to require U.S. ports and vessels operating from those ports to implement specific security measures.

Subsequent to the hijacking of the *Achille Lauro* the Merchant Marine Subcommittee held a hearing on security in U.S. ports and on vessels using U.S. ports. This hearing was followed by a field investigation of security at the Port of Miami and Port Everglades, FL, in November 1985. These ports handle the majority of cruise ship operations in the United States. In addition, the Committee on Foreign Affairs conducted two hearings on the adequacy of international maritime security.

Extensive discussions were held with several government agencies, including the coast guard, which is responsible for port and vessel safety, and the FBI, which is responsible for domestic security in general. The subcommittee also met with many representa-

tives of the cruise ship companies operating out of U.S. ports. These companies, as well as officials from these ports, reported on the security measures already in place and on additional measures being tested and implemented in the aftermath of the *Achille Lauro* hijacking. Security measures being tested or implemented include: (1) Further restricting access by the public to ports and vessels; (2) increasing security personnel; (3) screening passengers, baggage, and supplies with weapon detecting equipment; (4) screening shoreside personnel and crews; and (5) restricting or eliminating visitors' access to vessels. It was evident from this investigation that security was being increased voluntarily and that the ports and cruise ship operators were committed to continuing that process.

Neither the U.S. law enforcement agencies involved nor the cruise industry, however, were able to estimate the degree of risk that the U.S. cruise industry faces from acts of terrorism. Until a risk assessment is presented to Congress, the Committee on Merchant Marine and Fisheries and on Foreign Affairs believe that legislation mandating specific security measures is unwarranted, especially in light of the commitment of the ports and cruise industry to continue increasing security voluntarily.

Section 905 requires that the first risk assessment be reported to Congress by December 31, 1986. This date coincides with the deadline in section 903 for finalization of recommendations regarding security by the International Maritime Organization. Should the IMO activities stall, completion of the risk assessment is a necessary prerequisite to the legislative recommendations required of the Secretary of Transportation under section 903, and to congressional consideration of legislation. The committees recognize that the risk assessment may conclude that existing security at U.S. ports and on vessels is adequate to address the current threat from terrorist activities and domestic legislation is unnecessary. Because the level of threat may change with time, semiannual reports are required by this section.

The risk assessment should take into account the current level of security at U.S. ports and on vessels using these ports, including security measures voluntarily implemented. The semiannual reports should continue to monitor the activities of the ports and vessel operators in the area of security.

It is important that the risk assessment reports also include assessments of the threat to cargo vessels, particularly tankers carrying highly explosive cargoes. The reports should also address the threat to shoreside facilities, such as oil terminals and holding tanks.

Secton 906—Port, harbor, and coastal facility security

This section amends the Ports and Waterways Safety Act (33 U.S.C. et seq.) by establishing a new section 7 dealing with port, harbor, and coastal facility security. The new section authorizes the Secretary of the department in which the coast guard is operating to help prevent and respond to acts of terrorism against vessels and public or commercial waterfront facilities that are located on or near the navigable waters of the United States, or against ves-

sels and facilities located on the Outer Continental Shelf of the United States.

Specific authority is granted to the Secretary under this section to (1) obtain, analyze, and coordinate the use of information concerning actual or potential terrorist threats; (2) recruit and train additional members of the coast guard and coast guard reserve in the techniques of preventing and responding to acts of terrorism; (3) use coast guard personnel to conduct inspections, port and harbor patrols, to establish security and safety zones, and to carry out other activities authorized by law for the purpose of preventing acts of terrorism; (4) purchase equipment needed by the coast guard to carry out the purposes of this section; and (5) develop plans and procedures to respond to acts of terrorism.

A total of $125 million is authorized, to be available until expended, to carry out the purposes of this section, and to conduct the port threat assessments required elsewhere in this title. The inclusion of this section in H.R. 4151 was prompted by the view that the U.S. response to maritime terrorism must involve both a domestic and an international component. It will be difficult to persuade other countries to take measures to combat the terrorist threat if the United States does not take action to protect its own ports.

The committee intends that the funds authorized to be appropriated by this section shall be used to improve the ability of the coast guard, over a period of several years, to perform its port safety and port security missions, with particular emphasis on responding to the terrorist threat.

Coast guard authorities

The coast guard has general authority to enforce or assist in the enforcement of all Federal laws on and under waters subject to the jurisdiction of the United States. Under the Ports and Waterways Safety Act, the coast guard is authorized to take actions to prevent damage to any vessel, bridge, or other structure on or in the navigable waters, or any shore structure immediately adjacent to those waters. In addition, the coast guard is authorized by title 46 of the United States Code to regulate and enforce the handling, storage, and carriage on board of dangerous cargoes.

In the event of national emergency or of a Presidential determination that the security of the United States is threatened by war, invasion, insurrection, subversive activity, or other disturbances, the Coast Guard is authorized to regulate the control, anchorage, or movement of vessels for the purpose of ensuring the security of U.S. ports.

The Coast Guard, including its Reserve component, is a military service and a branch of the armed forces. During war or at the direction of the President, it operates as a service in the Navy. Under a memorandum of understanding signed with the Navy in 1983, the Coast Guard has contingency command responsibilities for the Maritime Defense Zones of the United States.

Coast guard budget

In 1986, following the sequestration process mandated by the Balanced Budget and Emergency Deficit Control Act (Public Law

99-177), the Coast Guard's operating budget will be $1,691 million, or $97 million below the administration request. When added to reductions required in earlier years, the Coast Guard will be left in 1987 with 2,000 fewer military and civilian personnel than it had in 1981. This number will be cut further if automatic budget reductions are required to meet the 1987 budget deficit target.

Because of the high priority attached by Congress and the administration to drug law enforcement, a substantial portion of the Coast Guard's remaining resources have been dedicated to that mission. Demand for other essential high priority missions, such as search and rescue and aids to navigation, has also been high. As a result, the Coast Guard has had to compromise its ability to perform other activities, including its responsibility for port safety and security. The number of military personnel devoted to this mission has declined by more than 20% since 1980.

The committee expects that funds appropriated under the authority of this section will be used to recruit and train additional Coast Guard personnel to perform the activities that the Secretary determines will most effectively protect U.S. ports against possible terrorist threats. To the extent practicable, these activities should be carried out in a manner that complements other Coast Guard responsibilities for law enforcement, marine safety, aids to navigatin, and marine environmental protection.

Among the activities that may be carried out with the funds authorized by this section are those listed below. Included is a brief description of the current level of performance for each activity.

Harbor patrols

The Coast Guard is not presently able to meet its program standard for conducting harbor security patrols on a daily basis in major U.S. ports. The current standard of conducting one patrol a day in major ports was reduced when earlier budget reductions prevented fulfillment of the previous standard of two daylight and one nighttime patrols in each major port. Harbor patrols do not currently occur even at the frequency of the reduced standard, and have been reduced by an estimated 13,000 patrol hours, or 25 percent, within the past 18 months.

In 1980, the Coast Guard devoted 226,700 hours to harbor patrols. The estimated figure for 1986 is 44,000.

Waterfront facilities

The Coast Guard has drastically curtailed the routine inspection of waterfront facilities as part of its port security program. In 1980, the Coast Guard conducted 8,000 such inspections; the comparable figure in 1986 will be about 3,900.

Special interest vessels

Special interest vessels are those belonging to the Warsaw Pact, the People's Republic of China, and other nations considered hostile, or potentially hostile, to the interests of the United States. As a result of budget reductions, the National Security Council agreed to a Coast Guard request to reduce the planned frequency of boardings and inspections of these vessels upon their entry into an

American port. The Coast Guard is currently unable to meet even the reduced standard for boardings and inspections.

In 1980, the Coast Guard conducted 63,500 boardings and inspections of cargo-carrying vessels; the comparable figure for 1986 is 12,700.

Security card system

The Coast Guard has not been able to effectively implement a program of issuing security cards to longshoremen, harborworkers, and others having legitimate access to ports considered by the Joint Chiefs of Staff to be militarily essential, for reasons of national mobilization, to the United States. This program, if implemented, would include a routine check of FBI records with respect to applicants for a security card. Those not having a security card could be barred from entry to a restricted port area in time of war, national emergency, or potential terrorist threat.

Handling of hazardous materials

The Coast Guard recognizes the extremely high priority that must be attached to the transportation of hazardous materials. As a result, all available resources are devoted to guaranteeing the safe loading, unloading, and navigation of vessels transporting such materials. The degree of effort required makes the Coast Guard extremely vulnerable in many localities during such periods because of its inability to respond simultaneously to other emergencies that might arise.

Special events

Many special events that provide the potential for terrorist actions directed against American citizens occur on or near our nation's coasts. The Coast Guard was assigned the responsibility for providing coastal security during the 1984 Los Angeles Olympics, for example, although no additional funding for this mission was provided. The service will also be primarily responsible for waterborne security during the upcoming celebration at the Statue of Liberty this July. In addition, the Coast Guard provides security for launches of the space shuttle from Cape Canaveral, for submarine launchings, and for port entries of nuclear submarines into U.S. ports.

The Coast Guard Reserve

The Coast Guard Reserve presently operates with 12,500 personnel, compared to a national mobilization requirement of 27,400. The President has proposed an increase of 500 Coast Guard Reserve training positions in 1987. A primary role of the Coast Guard Reserve is to train in port safety and security missions related to national mobilization requirements of the United States. This training has important peacetime applications in the event that localized emergencies should arise as a result of a terrorist threat. The Reserve is in desperate need of equipment, including weapons and communications gear.

Planning

The Coast Guard Captain of the Port is responsible for developing port vulnerability assessments, and anti-terrorist contingency plans. Because of budget and personnel reductions, the Coast Guard has not been able to fulfill this responsibility in a comprehensive or systematic manner. As a result, many vulnerability assessments are either outdated or incomplete, and antiterrorism contingency exercises are rarely conducted, despite a theoretical requirement that they be performed on an annual basis.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, DC, March 5, 1986.

Hon. DANTE FASCELL,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that Gerry Studds, Chairman of our Subcommittee on Coast Guard and Navigation, intends to offer an amendment at your markup on March 6, 1986. His amendment, dealing with Port, Harbor, and Coastal Facility Security will serve to better enable the United States Coast Guard to protect our shores from terrorist activities.

Although the Committee on Merchant Marine and Fisheries has sole jurisdiction over the Coast Guard, the attached letter indicates support for Mr. Studds' introduction of the amendment before your Committee. This can only serve to effect the timely consideration of vital and overdue legislation.

With warm personal regards, I am

Sincerely,

WALTER B. JONES,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, DC, March 5, 1986.

Hon. GERRY E. STUDDS,
Chairman, Subcommittee on Coast Guard and Navigation,
Washington, DC.

DEAR GERRY: We are writing to express our support for your Port, Harbor, and Coastal Facility Security amendment to the antiterrorism bill as currently under consideration by various Committees of the House of Representatives. We concur that both the Maritime Sector and Outer Continental Shelf activities are highly susceptible to heinous acts of terrorists. The Coast Guard, as the lead agency charged with the protection of our shores, must increase its activities to ensure continued protection in light of the disturbing increase in terrorist attacks.

Your amendment will serve to enable the Coast Guard to perform its role in the fight against terrorism by authorizing it to ready and equip itself for the performance of this important task. While it is true that our Committee has sole jurisdiction over the Coast Guard, we support your decision to include the amendment

in the anti-terrorism bill being marked up by the Foreign Affairs Committee on March 6, 1986, and lend our support to your endeavor on behalf of the Merchant Marine and Fisheries.

Sincerely,

WALTER B. JONES,
Chairman.
MARIO BIAGGI.
NORMAN F. LENT,
Ranking Minority Member.
DON YOUNG.
ROBERT W. DAVIS.

Section 907—Security standards at foreign ports

This section requires the Secretary of Transportation to develop and implement a plan to assess security measures at foreign ports which the Secretary of Transportation, in consultation with the Secretary of State, determines pose a high terrorist risk against passenger vessels. In addition, this section requires a report to Congress on plans and assessments. After implementing the plan, the Secretary of Transportation, in consultation with the Secretary of State, determines that a port does not maintain and administer effective security measures, the Secretary of State is required to notify the foreign government of such a determination. This section also calls on the President to provide, where appropriate, antiterrorism assistance to foreign countries specifically designed to enhance maritime security.

Section 908—Travel advisories concerning security at foreign ports

This section directs the Secretary of State to immediately issue a travel advisory when it has been determined that a condition exists in a foreign port that threatens the safety and security of crew and passengers, and passenger vessels traveling to or from a port does not maintain and administer effective security standards as determined by the Secretary of Transportation, pursuant to section 907 of this act. This travel advisory must be widely publicized and printed in the Federal Register. This travel advisory may be lifted only if the Secretary of Transportation has determined that effective security standards are being maintained at such port. This section also stipulates that Congress shall be immediately notified upon the lifting of any such travel advisory.

Section 909—Suspension of passenger services

This section authorizes the President without notice or hearing to suspend the right of any passenger vessel common carrier to operate to and from, and the right of any passenger vessel of the United States to utilize, any port in a foreign nation for passenger service, whenever he determines that a foreign nation permits the use of its territory as a base of operations or training for, or as a sanctuary for, or in any way arms, aids, or abets, any terrorist organization which knowingly uses the illegal seizure of passenger vessels or the threat thereof as an instrument of policy. The Committees on Foriegn Affairs and on Merchant Marine and Fisheries recognize the advantage of being able to deny access to U.S. ports

not only to cargo vessels of a country that supports terrorism, but also to a country that carries on trade with the offending country. The committees are concerned, however, that so broad a power might harm U.S. commerce disproportionately to the advantage gained. This section reflects this concern by limiting the suspension to the operation of passenger vessels. Furthermore, a passenger vessel affected by this section must be a common carrier, as defined in the Shipping Act of 1984 (46 App. USC 1702(6)), that is providing transportation between the United States and a foreign port.

This section permits a U.S.-flag passenger vessel to be prohibited from utilizing any port in the offending country for passenger service. The committees intend that a U.S.-flag passenger vessel that must enter a port in the offending country for an unforseeable repair or emergency does not violate this section.

Section 910—Criminal sanctions for the seizure of vessels

This section calls on the President to review the adequacy of domestic and international criminal sanctions regarding terrorist actions against vessels and to seek the strengthening of the effectiveness of such sanctions. This section also requires the President to report to Congress on this effort to improve such actions. This section also reflects a recommendation proposed in the report of the Vice President's Task Force on Combating Terrorism.

Section 911—Definitions

This section contains the definition of "common carrier" of the Shipping Act of 1984 (46 App. USC 1702(6)), and the definitions of "passenger vessel" and "vessel of the United States" from title 46 of the United States Code.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 12, 1986.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries,
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of March 12 regarding the maritime issues contained within the Omnibus Diplomatic Security and Anti-terrorism Act of 1986. I concur wholeheartedly in your observations; more specifically, there are measures of jurisdiction exclusive to the Committee on Merchant Marine and Fisheries within this bill, most particularly the U.S. Coast Guard provisions and the Panama Canal provision. The other issues contained within Title IX are, indeed, matters of joint concern to our Committees, and it is with great appreciation that I note the singular contributions made by your Committee in making the investigations and in the drafting of the language for much of the maritime security title.

Rest assured that I will support your continued jurisdiction over those matters contained within the Omnibus Diplomatic Security and Anti-terrorism Act of 1986 that are generally referenced in the Rules of the House of Representatives, Rule X, clause 1(n) and to

this end I would welcome the opportunity to discuss this during debate.

With best wishes, I am,

Sincerely yours,

DANTE B. FASCELL,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, DC, March 12, 1986.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I would like to congratulate you on bringing the Omnibus Diplomatic Security and Anti-terrorism Act of 1986 to the House in such an expeditious manner. It was indeed a pleasure to cooperate with your Committee on those matters over which this Committee has sincere concern and jurisdiction.

As you know, our Subcommittee on Merchant Marine held extensive hearings, both in Washington and at Florida ports that are dominant in the cruise passenger trade, following the *Achille Lauro* incident. Based upon these investigations, the Subcommittee on Merchant Marine recommended that certain steps be taken to better prepare the United States and its citizens against the threat of terrorism on the high seas and in ports. The Committee on Merchant Marine and Fisheries wholeheartedly supports these recommendations that are now included in Title IX of the Omnibus Diplomatic Security and Anti-terrorism Act of 1986.

Because of the urgency of the matters contained within this bill, we have agreed to forego further consideration of those measures within the joint jurisdiction of the Committee on Merchant Marine and Fisheries and the Committee on Foreign Affairs with the agreed understanding that subsequent legislation and oversight dealing with matters of maritime security, such as contained within title IX of the bill, are indeed within the jurisdiction of the Committee on Merchant Marine and Fisheries. During the debate on the bill, I intend to engage you in a colloquy concerning jurisdictional questions.

Once again, please accept my congratulations and appreciation for the spirit of cooperation between our Committees that has allowed this vital measure to proceed so rapidly through the legislative process.

With best wishes, I am,

Sincerely yours,

WALTER B. JONES,
Chairman.

TITLE X—FASCELL FELLOWSHIP PROGRAM

This title establishes a fellowship program affording U.S. students, teachers, scholars and other individuals with background and knowledge of Soviet and East European area studies and lan-

guages, the valuable opportunity to serve on a short-term basis at a U.S. diplomatic facility in the Soviet Union or Eastern Europe, replacing foreign nationals presently employed at those missions. This legislation is also intended to facilitate section 136 of the Foreign Relations Authorization Act, fiscal years 1986 and 1987, which stipulates that "to the maximum extent practicable, citizens of the Soviet Union shall not be employed as foreign national employees at U.S. diplomatic or consular missions in the Soviet Union after September 30, 1986".

Section 1001—Short title

This title may be referred to as the "Fascell Fellowship Act".

Section 1002—Fellowship program for temporary service at United States missions in the Soviet Union and Eastern Europe

Sections 1002 (a) and (b) establishes a program to fund up to 100 fellowships (to be known as "Fascell Fellowships") for U.S. citizens while they serve for a period of 1 to 2 years at U.S. Embassies or consulates in the Soviet Union and Eastern Europe. These fellows would replace Soviet and East European nationals presently employed at these missions. This legislation calls upon the Secretary of State to provide such fellowships to qualified applicants.

Section 1002(c) states that the purpose of the fellowship program is to afford the fellowship recipients the unique opportunity to serve on a short-term basis at a U.S. diplomatic mission in the Soviet Union or Eastern Europe in order to obtain first-hand working exposure to the country in which they serve, including, as appropriate, independent study in Russian or the respective East European language or area studies.

Such knowledge is a vital and valuable resource for the United States, a resource which will enhance this country's ability to meet the challenge of dealing with the Soviet Union and its allies.

The legislation envisages that the fellowship program will be implemented gradually, its scope broadening as the needs of the U.S. diplomatic missions in the Soviet Union and Eastern Europe become known and resources become available.

Sections 1001 (d) and (e) specifies that the fellowships will be open to U.S. citizens who are either undergradute students, graduate students, teachers, scholars or other individuals who have experience in Soviet and East European Area Studies and languages and who have a working knowledge of the principle language of the country in which they will serve. The Secretary of State is instructed to actively recruit women and members of minority groups for these fellowships.

Section 1003—Fellowship Board

Section 1003(a) establishes a Fellowship Board which will select the candidates eligible to receive a Fellowship under this title. The Secretary of State will make the final determination of which candidates proposed by the Fellowship Board will be selected and which positions they will fill.

Section 1003(b) stipulates that the Board will consists of nine members chaired by a senior official of the Department of State, designated by the Secretary of State. Other members will include

officers of the Department of Commerce and the United States Information Agency, designated by the heads of these organizations, as well as six academic Soviet or East European specialists appointed by the Secretary of State in consultation with the Chairman of the House Foreign Affairs Committee and Chairman of the Senate Committee on Foreign Relations, and the ranking minority members of these committees.

Section 1003(c) stipulates that the board will meet at least once a year to select the candidates eligible for a fellowship. Section 1003(d) provides that members of the Board will receive no compensation for their service on the Board but may be allowed travel expenses and per diem while away from their homes in performance of their duties as Board members.

Section 1004—Fellowships

Sections 1004(a) and (b) state that the Fellowship Board will determine the amount and duration (between 1-2 years) of each fellowship, based upon the position in which the Fellow will serve and his or her experience and expertise. The Fellows will not serve on a direct hire basis but will receive remuneration in the form of a stipend or scholarship. Up to 100 Fellowships may be provided each year.

Sections 1004(c), (d) and (e) state that each Fellow will be given the necessary training and orientation prior to his service abroad, at the Foreign Service Institute or other appropriate institution. Housing for the Fellows will be provided by the Department of State in the countries in which they will serve, including, where appropriate, housing for family members. The Department of State will pay the costs of roundtrip transportation between the United States and the country in which the Fellow will serve, including travel for family members. The housing and transportation sections of this legislation will not take effect until October 1, 1986.

Given the security threat which all Americans face in the Soviet Union, the committee suggests that the Department of State provide detailed defensive security briefings for all Fellows prior to their departure for the USSR or Eastern Europe, periodic security briefings while assigned to diplomatic facilities and a final debriefing prior to departure from post.

Section 1005—Secretary of State

Section 1005(a) stipulates that the Secretary of State will make the final determination of which eligible candidates selected by the Fellowship Board will actually receive the fellowships and the position in which each will serve based upon the needs of the U.S. diplomatic and consular posts in the Soviet Union and Eastern Europe.

Section 1005(b) states that the Fellows will serve in accordance with the relevant provisions of the Foreign Service Act of 1980, the State Department Basic Authorities Act of 1956 and title 5 of the United States Code.

Section 1005(c) provides that the Fellowship Program will be financed by funds appropriated to the Department of State for "salaries and expenses". These expenses will be offset by the savings in-

curred through the dismissal of foreign national employees in the U.S. diplomatic missions in the Soviet Union and Eastern Europe.

Required Reports Section

COST ESTIMATE

The committee estimates that, assuming the full appropriations of the amounts authorized in H.R. 4151 as amended, the total budget authority to carry out this bill is as follows: an additional $700 million in Fiscal Year 1986; and $1.6 billion in Fiscal Year 1986. The fiscal year allocation of the budget authority and outlay totals authorized in H.R. 4151 as amended, (if fully appropriated), is set forth in the Congressional Budget Office estimate below. The committee agrees with the projected cost estimate of the Congressional Budget Office.

INFLATIONARY IMPACT STATEMENT

The committee notes that the principal amounts authorized to be appropriated by this legislation involve a major construction program for enhanced security of American diplomatic facilities overseas over a 5-year period. The expenditures involved on an annual basis would have a negligible impact on inflationary forces.

STATEMENTS REQUIRED BY CLAUSE 2(l)(3) OF HOUSE RULE XI

(a) Oversight findings and recommendations

Among the principal oversight activities which contributed to the Committee's formulations of H.R. 4151, as amended, have been:

Extensive hearings and review of the executive branch's request for embassy security enhancement by the full committee and the Subcommittees on Arms Control, International Security and Science and on International Operations; numerous Washington-based and field studies and investigations by Committee Members and the Staff Task Force in Diplomatic Security and International Terrorism;

Congressional representation on the Inman Overseas Advisory Panel on Diplomatic Security and extensive consultations with the Vice President's Task Force on Combatting Terrorism and

On-going consultation between committee members and staff and executive branch officials concerning the implementation of previously authorized measures to combat international terrorism and to enhance diplomatic security.

(b) Budget authority

The enactment of H.R. 4151 as amended, will create no new budget or credit authority; however, the bill as amended does provide certain new entitlement authorities as follows: it provides for a new Assistant Secretary of State at executive level IV but this entitlement is effective for any fiscal year only to the extent or in such amounts as provided in appropriations acts; Title VIII provides certain entitlement benefits for government personnel held hostage, such benefits becoming effective on October 1, 1986; and Title X with regard to the Fascell Fellowship Program the Secre-

tary of State is required to provide housing and transportation costs using "Salaries and expenses" funds to the fellowship recipients, and where appropriate their families also, effective October 1, 1986.

(c) Committee on Government Operations summary

No oversight findings and recommendations which relate to this measure have been received from the Committee on Government Operations under clause 4(c)(2) of House Rule X.

(d) Congressional Budget Office cost estimate

MARCH 12, 1986.

1. Bill No.: H.R. 4151.
2. Bill title: Omnibus Diplomatic Security and Anti-Terrorism Act of 1986.
3. Bill status: As ordered reported by the House Committee on Foreign Affairs on March 6, 1986.
4. Bill purpose: Titles I through IV, of the Diplomatic Security Act, authorize the appropriation of funds for a comprehensive security enhancement program in the Department of State. These titles also provisions relating to the Diplomatic Security Service and the Accountability Review Board and establish other security-related procedures.

Title V authorizes $10 million for the State Department in fiscal year 1987 for rewards for information relating to international terrorists and drug trafficking and $1.0 million each year for fiscal years 1986 and 1987 for a Counter-terrorism Protection Fund to finance protection for individuals who provide assistance relating to terrorist incidents. This title also gives the Secretary of State the authority to limit the provisions of certain goods and services to countries supporting terrorism.

Title VI directs the President to take actions to combat international nuclear terrorism and gives him the authority to suspend nuclear cooperation terrorism and give him the authority to suspend nuclear cooperation with nations which have not ratified the Convention on the Physical Secuirty of Nuclear Material. The title also includes provisions related of the safe shipment and storage of nuclear materials.

Title VII directs the President to pursue multilateral cooperation to combat international terrorism and to raise the issue at the 1986 Tokyo economic summit conference. The title also directs the President to continue to seek the establishment of the International Anti-Terrorism Committee and to pursue the negotiation of other international agreements concerning terrorism.

Title VIII, the Victims of Terrorism Compensation Act, entitles federal government employees who are victims of terrorism and their families to certain benefits. Employees taken captive since November 4, 1979 would receive at least an amount equal to the world-wide per diem rate. Employees and their families may also be eligible for educational assistance, disability compensation, and medical benefits.

Title IX, the International Maritime and Port Security Act, authorizes the appropriation of $125 million to improve the security

of port, harbor, and coastal facilities and to assess the threat of terrorism to United States and foreign ports. The title also encourages the President to continue to seek international agreements concerning international seaport and shipboard security and establishes other terrorism-related procedures.

Title X, the Fascell Fellowship Act, establishes a fellowship program so United States citizens can serve at diplomatic posts in the Soviet Union and Eastern European countries and obtain first hand exposure to these countries. The bill also establishes a Fellowship Board to select the recipients and limits the program to 100 fellowships each year. (See table below).

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1986	1987	1988	1989	1990	1991
Estimated authorization amounts	493	1,075	1,275	896	707	0
Estimated entitlement authority	0	2	0	0	0	0
Estimated outlays	56	337	580	924	1,022	910

Costs for this bill fall within budget function 150 except for the costs of title IX, which fall in function 400.

Basis for Estimate.—This estimate assumes enactment of this legislation by July 1, 1986 and subsequent appropriation of the authorized amounts.

Titles I–IV: These titles authorize the appropriation of such funds as may be necessary for the Diplomatic Security Program for fiscal years 1986 through 1990 but limit the total authorization amount over the five year period to $4.4 billion. This estimate assumes the authorization levels as recommended in the draft report language: $1.6 billion for salaries and expenses, $2.7 billion for acquisition and maintenance of buildings abroad, and $25 million counter-terrorism research and development. These totals are the same as those requested in the President's budget except for a $59 million cut in counter-terrorism research and development.

The outlay estimate for salaries and expenses is based on historical spending patterns for personnel, overseas property upgrades, and communication systems. The outlay estimate for embassy construction is based on the schedule of building projects in the draft report. Due to the difficulty of administering such a large program, outlays were estimated to be slower than the historical spending patterns for embassy construction and other security-related programs. (See table below).

[By fiscal year, in millions of dollars]

	1986	1987	1988	1989	1990	1991
Estimated authorization amounts:						
Salaries and expenses	237	304	286	399	405	0
Acquisition and maintenance of buildings abroad	125	756	984	492	297	0
Counterterrorism research and development	5	5	5	5	5	0
Total	367	1,064	1,275	896	707	0
Estimated outlays	29	252	568	921	1,022	910

These costs fall into budget function 150.

Title V: Title V authorizes the appropriation of $10 milli
fiscal year 1987 for rewards for information relating to inter
al terrorists and drug trafficking and an additional $1.0
each year for fiscal years 1986 and 1987 for a Counter-ter
Protection Fund. It is impracticable to estimate outlays fo
rewards. The costs would fall into budget function 150.

Title VIII: Entitlements created in Title VIII for victims
rorism are not effective until October 1, 1986. For employee
captive since November 4, 1979, the outlays resulting fr
title would be at least $1.6 million in fiscal year 1987. Th
mate is based on the average world-wide per diem rate of
day.

Any estimate of additional outlays would be uncertain, be
would depend on the number of employees or dependent
captive and whether each instance meets the eligibility
ments for benefits. We can, however, estimate what some o
dividual benefits might cost. For example, 90 days after an
ee is taken captive, the employee's family would be eligible
cational assistance payments that could continue for almo
years. CBO estimates that such payments would be about
month for each family member receiving benefits. In the
compensation for disability of an employee's family mem
payment would be about $16,000 per year. Additional deat
costs would result primarily from the deaths of family
rather than from the death of employees, whose ben
would generally receive death benefits in any event. For
if the spouse of an employee is killed, the death benefit
between 50 percent and 75 percent of the gross salary of
age grade of the general schedule, which is currently abou
Payments would be made for medical expenses incident
captivity, if the expenses are not already covered by othe
ment programs of employees' health insurance; thus,
might be largely for mental health care, possibly costing
more per year per individual.

Title IX: Title IX authorizes the appropriation of $125
equipment acquisition, increased personnel levels, and as
of terrorism threats to United States and foreign ports a
Outlays were estimated using historical spending rates
programs. (See table below).

(By fiscal year, in millions of dollars)

	1986	1987	1988	1989
Estimated authorization amounts	125			
Estimated outlays	27	83	12	3

These costs fall within budget function 400.

Title IX: Expenses incurred for the Fascell Fellowship program are to be appropriated through the salaries and expenses account for the Department of State. This bill does not authorize any additional amounts for the fellowship program, but the State Department will incur costs of $100,000 to $200,000 per recipient per year. Based on the State Department's expectations of 5 to 20 recipients each year, the resulting costs would be $1 million in 1986 and $2 million each year for 1987 through 1991.

CBO expects that the other provisions of the bill, specifically those in titles VI and VII, would have no cost impact. Enacting these sections would not significantly increase the workload of the affected agencies, and costs could be absorbed in the currently budgetary levels.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO cost estimate: Previous cost estimate for Title VIII, H.R. 2851, was prepared on November 7, 1985.

9. Estimate prepared by: Lisa R. Brown (226–2840).

10. Estimate approved by: C.A. Nuckols (for James L. Blum Assistant Director for Budget Analysis).

Changes in Existing Law Made by the Bill, As Reported

In compliance with clause 3 or Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

Act of May 26, 1949

AN ACT To strengthen and improve the organization and administration of the Department of State, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the Department of State, in addition to the Secretary of State, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, an Under Secretary of State for Management, *and* [fourteen] *fifteen* Assistance Secretaries of State.

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TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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Subpart D—Pay and Allowances

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CHAPTER 53—PAY RATES AND SYSTEMS

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Subchapter II—Executive Schedule Pay Rates

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§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following pos
tions, for which the annual rate of basic pay shall be the rate d
termined with respect to such level under chapter 11 of title 2, a
adjusted by section 5318 of this title:

Deputy Administrator of General Services.

* * * * * * *

Assistant Secretaries of State **[**(14).**]** *(15).*

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CHAPTER 55—PAY ADMINISTRATION

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
5501. Disposition of money accruing from lapsed salaries or unused appropriatio
for salaries.

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SUBCHAPTER VII—PAYMENTS OF MISSING EMPLOYEES

5561. Definitions.
5562. Pay and allowances; continuance while in a missing status; limitations.
5563. Allotments; continuance, suspension, initiation, resumption, or increase whi
in a missing status; limitations.
5564. Travel and transportation; dependents; household and personal effects; mot
vehicles; sale of bulky items; claims for proceeds; appropriation charg
able.
5565. Agency review.
5566. Agency determinations.
5567. Settlement of accounts.
5568. Income tax deferment.
5569. Benefits for captives.
5570. Compensation for disability or death.

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Subchapter VII—Payments to Missing Employees

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§ 5569. Benefits for captives

(a) For the purpose of this section—

*(1) "captive" means any individual in a captive status com
mencing while such individual is—*

(A) in the civil service, or

*(B) a citizen, national, or resident alien of the Unite
States rendering personal service to the United States sim*

lar to the service of an individual in the civil service (other than as a member of the uniformed services);

(2) the term "captive status" means a missing status which, as determined by the President, arises because of a hostile action and is a result of the individual's relationship with the Government;

(3) "missing status"—

(A) in the case of an employee, has the meaning provided under section 5561(5) of this title; and

(B) in the case of an individual other than an employee, has a similar meaning; and

(4) "family member", as used with respect to a person, means—

(A) any dependent of such person; and

(B) any individual (other than a dependent under subparagraph (A)) who is a member of such person's family or household.

(b)(1) The Secretary of the Treasury shall establish a savings fund to which the head of an agency may allot all or any portion of the pay and allowances of any captive to the extent that such pay and allowances are not subject to an allotment under section 5563 of this title or any other provision of law.

(2) Amounts so allotted to the savings fund shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with 3-month maturities issued during the preceding calendar quarter. Such interest shall be compounded quarterly.

(3) Amounts in the savings fund credited to a captive shall be considered as pay and allowances for purposes of section 5563 of this title and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

(4) Any interest accruing under this subsection on—

(A) any amount for which an individual is indebted to the United States under section 5562(c) of this title shall be deemed to be part of the amount due under such section 5562(c); and

(B) any amount referred to in section 5566(f) of this title shall be deemed to be part of such amount for purposes of such section 5566(f).

(5) An allotment under this subsection may be made without regard to section 5563(c) of this title.

(c) The head of an agency shall pay (by advancement or reimbursement) any individual who is a captive, and any family member of such individual, for medical and health care, and other expenses related to such care, to the extent that such care—

(1) is incident to such individual being a captive; and

(2) is not covered—

(A) by any Government medical or health program; or

(B) by insurance.

(d)(1) Except as provided in paragraph (3), the President shall make a cash payment to any individual who became or becomes a captive commencing on or after November 4, 1979. Such payment shall be made before the end of the one-year period beginning on the date on which the captive status of such individual terminates or, in the case of any individual whose status as a captive terminated

before the date of the enactment of the Victims of Terrorism Compensation Act, before the end of the one-year period beginning on such date.

(2) A payment under this subsection in the case of any individual held as a captive—

(A) shall be equal to an amount determined by the President, taking into account the treatment received by such individual while in captivity and any other factor which the President considers appropriate; but

(B) shall be not less than the amount of the world-wide average per diem rate which would be payable to any person under section 5702 of this title, based on—

(i) a period of time equal to the period for which such individual was held as a captive; and

(ii) the world-wide average per diem rate which, during the period of captivity involved, was in effect under such section.

(3) The President—

(A) may defer a payment under this subsection in the case of any individual who, during the one-year period described in paragraph (1), is charged with an offense described in subparagraph (B), until final disposition of such charge; and

(B) may deny such payment in the case of any individual who is convicted of an offense described in subsection (b) or (c) of section 8312 of this title committed—

(i) during the period of captivity of such individual; and

(ii) related to the captive status of such individual.

(4) A payment under this subsection shall be in addition to any other amount provided by law.

(5) The provisions of subchapter VIII of this chapter (or, in the case of any person not covered by such subchapter, similar provisions prescribed by the President) shall apply with respect to any amount due an individual under paragraph (1) after such individual's death.

(6) Any payment made under paragraph (1) which is later denied under paragraph (3)(B) is a claim of the United States Government for purposes of section 3711 of title 31.

(e)(1) Under regulations prescribed by the President, the benefits provided by the Soldiers' and Sailors Civil Relief Act of 1940, including the benefits provided by section 701 of such Act but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 of such Act, shall be provided in the case of any individual who is a captive.

(2) In applying such Act under this subsection—

(A) the term "person in the military service" is deemed to include any such captive;

(B) the term "period of military service" is deemed to include the period during which the individual is in a captive status; and

(C) references to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, are deemed, in the case of any captive, to be references to an individual designated for that purpose by the President.

(f)(1)(A) Under regulations prescribed by the President, the head of an agency shall pay (by advancement or reimbursement) a spouse or child of a captive for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(B) Except as provided in subparagraph (C), payments shall be available under this paragraph for a spouse or child of an individual who is a captive for education or training which occurs—

(i) after that individual has been in captive status for 90 days or more, and

(ii) on or before—

(I) the end of any semester or quarter (as appropriate) which begins before the date on which the captive status of that individual terminates, or

(II) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 16-week period following that date.

In order to respond to special circumstances, the appropriate agency head may specify a date for purposes of cessation of assistance under clause (ii) which is later than the date which would otherwise apply under such clause.

(C) In the event a captive dies and the death is incident to that individual being a captive, payments shall be available under this paragraph for a spouse or child of such individual for education or training which occurs after the date of such individual's death.

(D) The preceding provisions of this paragraph shall not apply with respect to any spouse or child who is eligible for assistance under chapter 35 of title 38 or similar assistance under any other provision of law.

(E) For the purpose of this paragraph, 'child' means a dependent under section 5561(3)(B) of this title.

(2)(A) In order to respond to special circumstances, the head of an agency may pay (by advancement or reimbursement) a captive for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(B) Payments shall be available under this paragraph for a captive for education or training which occurs—

(i) after the termination of that individual's captive status, and

(ii) on or before—

(I) the end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the captive status of that individual terminates, or

(II) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 16-week period following that date, and

shall be available only to the extent that such payments are not otherwise authorized by law.

(3) Assistance under this subsection—

(A) shall be discontinued for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to section 1724 of title 38; and

(B) may not be provided for any individual for a period in excess of 45 months (or the equivalent thereof in other than full-time education or training).

(4) Regulations prescribed to carry out this subsection shall provide that the program under this subsection shall be consistent with the assistance program under chapters 35 and 36 of title 38.

(g) Any benefit provided under subsection (c) or (d) may, under regulations prescribed by the President, be provided to a family member of an individual if—

(1) such family member is held in captive status; and

(2) such individual is performing service for the United States as described in subsection (a) (1) (A) when the captive status of such family member commences.

(h) Except as provided in subsection (d), this section applies with respect to any individual in a captive status commencing after January 21, 1981.

(i) Notwithstanding any other provision of this subchapter, any determination by the President under subsection (a)(2) or (d) shall be conclusive and shall not be subject to judicial review.

(j) The President may prescribe regulations necessary to administer this section.

§ 5570. Compensation for disability or death

(a) For the purpose of this section—

(1) "employee" means—

(A) any individual in the civil service; and

(B) any individual rendering personal service to the United States similar to the service of an individual in the civil service (other than as a member of the uniformed services); and

(2) "family member", as used with respect to an employee, means—

(A) any dependent of such employee; and

(B) any individual (other than a dependent under subparagraph (A)) who is a member of the employee's family or household.

(b) The President shall prescribe regulations under which an agency head may pay compensation for the disability or death of an employee or a family member of an employee if, as determined by the President, the disability or death was caused by hostile action and was a result of the individual's relationship with the Government.

(c) Any compensation otherwise payable to an individual under this section is connection with any disability or death shall be reduced by any amount payable to such individual under any other program funded in whole or in part by the United States (excluding any amount payable under section 5569(d) of this title) in connection with such disability or death, except that nothing in this subsection shall result in the reduction of any amount below zero.

(d) A determination by the President under subsection (b) shall be conclusive and shall not be subject to judicial review.

(e) Compensation under this section may include payment (whether by advancement or reimbursement) for any medical of health expenses relating to the death or disability involved to the extent that such expenses are not covered under subsection (c) of section 5569 of this title (other than because of paragraph (2) of such subsection).

(f) This section applies with respect to any disability or death resulting from an injury which occurs after September 30, 1985.

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Subpart E—Attendance and Leave

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CHAPTER 63—LEAVE

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Subchapter II—Other Paid Leave

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§ 6325. Absence resulting from hostile action abroad

Leave may not be charged to the account of an employee for absence, not to exceed one year, due to an injury—

(1) incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action; and

(2) not due to vicious habits, intemperance, or willful misconduct on the part of the employee.

The preceding provisions of this section shall apply in the case of an alien employee referred to in section 6301(2)(viii) of this title with respect to any leave granted to such alien employee under section 6310 of this title or section 408 of the Foreign Service Act of 1980.

* * * * * * *

SECTION 208 OF TITLE 3, United States Code

§ 208. Reimbursement of State and Local governments

(a) In carrying out the functions pursuant to section 202(7), the Secretary of Treasury may utilize, with their consent, on a reimbursable basis, the services, personnel, equipment, and facilities of State and local governments, and is authorized to reimburse such State and local governments for the utilization of such services, personnel, equipment, and facilities. The Secretary of Treasury may carry out the functions pursuant to section 202(7) by contract. The authority of this subsection may be transferred by the President to the Secretary of State. *In carrying out any duty under section 202(7), the Secretary of State is authorized to utilize any authority available to the Secretary under title II of the State Department Basic Authorities Act of 1956.*

(b) There is authorized to be appropriated, in addition to such sums as have been heretofore appropriated under this section—

(1) $7,000,000 for each fiscal year beginning after September 30, 1982, for the payment of reimbursement obligations entered into under subsection (a) after such date; and

(2) $17,700,000 for the payment of reimbursement obligations entered into under subsection (a) before October 1, 1982.

Amounts appropriated under this subsection shall remain available until expended.

STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956

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[SEC. 36. (a) The Secretary of State may pay a reward to any individual who furnishes information—

[(1) leading to the arrest or conviction in any country, of any individual for the commission of an act of international terrorism, or

[(2) leading to the arrest or conviction, in any country, of any individual for conspiring or attempting to commit an act of international terrorism, or

[(3) leading to the prevention, frustration, or favorable resolution of an act of international terrorism.

if the act of international terrorism is against a United States person or United States property and is primarily outside the territorial jurisdiction of the United States.]

SEC. 360. (a) The Secretary of State may pay a reward to any individual who furnishes the following information:

(1) INTERNATIONAL TERRORISM.—Information leading to—

(A) the arrest or conviction in any country of any individual for committing, or for conspiring or attempting to commit, an act of international terrorism; or

(B) the prevention, frustration, or favorable resolution of an act of international terrorism;

if the act of international terrorism is against a United States person or United States property and is primarily outside the territorial jurisdiction of the United States.

(2) INTERNATIONAL NARCOTERRORISM AND DRUG TRAFFICKING.—Information leading to—

(A) the arrest or conviction in any country of any individual for committing primarily outside the territorial jurisdiction of the United States, or for conspiring or attempting to commit primarily outside the territorial jurisdiction of the United States, a narcotics-related offense, if that offense involves or is a significant part of conduct that involves—

(i) a violation of United States drug laws which occurs primarily outside the territorial jurisdiction of the United States and which is such that the individual is a class I violator under the Domestic Drug Violator Classification Standards and Criteria established by the Drug Enforcement Administration; or

(ii) the killing or kidnapping outside the territorial jurisdiction of the United States of—

(I) any officer, employee, or contract employee of the United States Government while that individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States drug laws or the implementation of United States drug control objectives, or

(II) a member of the immediate family of any such individual on account of that individual's duties in connection with the enforcement of United States drug laws or the implementation of United States drug control objectives; or

(B) the prevention or frustration of an act described in subparagraph (A).

(b) A reward under this section may not exceed $500,000, *except that a reward of up to $1,000,000 may be paid with respect to each individual on the most wanted international terrorists list established pursuant to section 501 of the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986, each individual sought for an act of international terrorism resulting in the death of a citizen or national of the United States, and each individual sought for an act of international terrorism involving the detention of a citizen or national of the United States for a period longer than 60 days.* A reward of $100,000 or more may not be made without the approval of the President or the Secretary of State personally.

[(c) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall advise and consult with the Attorney General.]

(c) The Secretary of State shall advise and consult with the Attorney General before paying any reward under this section—

(1) in a matter over which there is Federal criminal jurisdiction; or

(2) for any information described in subsection (a)(2).

* * * * * * *

(f) There are authorized to be appropriated, without fiscal year limitation, $5,000,000 for use in paying rewards under this section, *up to $2,000,000 of which may be used for rewards for information described in subsection (a)(2). In addition to the amount authorized by the preceding sentence, there are authorized to be appropriated $10,000,000 for fiscal year 1987 for "Administration of Foreign Affairs" for use in paying rewards under this section, up to $5,000,000 of which may be used for rewards for information described in subsection (a)(2).* Additional funds to pay rewards under this section shall be authorized to be appropriated in the annual authorizing legislation for the Department of State.

(g) Not later than 30 days after paying any reward under this section, the Secretary of State shall submit a report to the Congress with respect to that reward. The report, which may be submitted on a classified basis if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid, and shall discuss the significance of the information for which the reward was paid in dealing with those acts.

(h) As used in this section—

(1) the term "United States drug laws" means the laws of the United States for the prevention and control of illicit traffic in controlled substances (as such term is defined for purposes of the Controlled Substances Act); and

(2) the term "member of the immediate family" includes—

(A) a spouse, parent, brother, sister, or child of the individual;

(B) a person to whom the individual stands in loco parentis; and

(C) any other person living in the individual's household and related to the individual by blood or marriage.

* * * * * * *

SEC. 39. COUNTER-TERRORISM PROTECTION FUND.

(a) AUTHORITY.—The Secretary of State may reimburse domestic and foreign persons, agencies, or governments for the protection of judges or other persons who provide assistance or information relating to terrorist incidents primarily outside the territorial jurisdiction of the United States. Before making a payment under this section in a matter over which there is Federal criminal jurisdiction, the Secretary shall advise and consult with the Attorney General.

(b) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to the Secretary of State for "Administration of Foreign Affairs" $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 for use in reimbursing persons, agencies, or governments under this section.

(c) DESIGNATION OF FUND.—Amounts made available under this section may be referred to as the "Counter-terrorism Protection Fund".

SEC. 40. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED SERVICES.

(a) AUTHORITY.—The Secretary of State may, by regulation, impose controls on the provision of the services described in subsection (b) if the Secretary determines that provision of such services would aid and abet international terrorism.

(b) SERVICES SUBJECT TO CONTROL.—The services subject to control under subsection (a) are the following:

(1) Serving in or with the security forces of a designated foreign government.

(2) Providing training or other technical services having a direct military, law enforcement, or intelligence application, to or for the security forces of a designated foreign government.

Any regulations issued to impose controls on services described in paragraph (2) shall list the specific types of training and other services subject to the controls.

(c) PERSONS SUBJECT OF CONTROLS.—These services may be controlled under subsection (a) when they are provided within the United States by any individual or entity and when they are provided anywhere in the world by a United States person.

(d) LICENSES.—In carrying out subsection (a), the President may require licenses, which may be revoked, suspended, or amended,

without prior notice, whenever such action is deemed to be advisable.

(e) DEFINITIONS.—

(1) DESIGNATED FOREIGN GOVERNMENT.—As used in this section, the term "designated foreign government" means a foreign government that the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979, engages in or provides support for international terrorism.

(2) SECURITY FORCES.—As unsed in this section, the term "security forces" means any military or paramilitary forces, and police or other law enforcement agency, and any intelligence agency of a foreign government.

(3) UNITED STATES.—As used in this section, the term "United States" includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(4) UNITED STATES PERSON.—As used in this section, the term "United States person" means any United States national, any permanent resident alien, and any sole proprietorship, partnership, company, association, or corporation organized under the laws of or having its principal place of business within the United States.

(f) VIOLATIONS.—Whoever willfully violates any regulation issued under this section shall be fined not more than $100,000 or five times the total compensation received for the conduct which constitutes the violation, whichever is greater, or imprisoned for not more than ten years, or both, for each such offense.

(g) CONGRESSIONAL OVERSIGHT.—

(1) REVIEW OF REGULATIONS.—Not less than 30 days before issuing any regulations under this section (including any amendments thereto), the President shall transmit the proposed regulations to the Congress.

(2) REPORTS.—Not less than once every six months, the President shall report to the Congress concerning the number and character of licenses granted and denied during the previous reporting period, and such other information as the President may find to be relevant to the accomplishment of the objectives of this section.

(h) RELATIONSHIP TO OTHER LAWS.—The authority granted by this section is in addition to the authorities granted by any other provision of law.

SEC. [39.] *41.* This Act may be cited as the State Department Basic Authorities Act of 1956.

SECTION 205 OF THE INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

SEC. 502. COORDINATION OF ALL UNITED STATES [*ANTI-TERRORISM*] TERRORISM-RELATED ASSISTANCE TO FOREIGN COUNTRIES

(a) COORDINATION.—The Secretary of State shall be responsible for coordinating all [anti-terrorism assistance to foreign countries provided by the United States Government.] *assistance related to*

international terrorism which is provided by the United States Government to foreign countries.

(b) REPORTS.—Not later than February 1 each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the [anti-terrorism] assistance *related to international terrorism which was* provided by the United States Government during the preceding fiscal year. Such reports may be provided on a classified basis to the extent necessary, and shall specify the amount and nature of the assistance provided.

SECTION 6 OF THE EXPORT ADMINISTRATION ACT OF 1979

FOREIGN POLICY CONTROLS

SEC. 6. (a) * * *

* * * * * * *

[(j) COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—(1) The Secretary and the Secretary of State shall notify the Committe on Foreign Affairs of the House of Representatives and the Committe on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 days before any license is approved for the export of goods or technology valued at more than $7,000,000 to any country concerning which the Secretary of State has made the following determinations:

[(A) Such country has repeatedly provided support for acts of international terrorism.

[(B) Such exports would make a significant contribution to the military potential of such country, including its military logistics capability, or would enhance the ability of such country to support acts of international terrorism.]

(j) COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—(1)(A) No item on the United States Munitions List established pursuant to section 38(a)(1) of the Arms Export Control Act may be exported to any country which the Secretary of State determines engages in or provides support for international terrorism.

(B) The President may waive the prohibition contained in subparagraph (A) in the case of a particular export if—

(i) the President determines that the export is important to the national interests of the United States, and

(ii) the President submits to the Congress a report justifying that determination and describing the proposed export.

Any waiver under this subparagraph shall expire at the end of 90 calendar days after it is granted unless the Congress enacts a law extending the waiver.

(2)(A) No goods or technology which the Secretary of State determines would make a significant contribution to the militaryr potential of a country referred to in paragraph (1)(A), or would enhance the ability of such country to support international terrorism, may be exported to such country except pursuant to a validated export license.

(B) The Secretary and the Secretary of State shall notify the Committe on Foreign Affairs of the House of Representatives and the

Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 legislative days before any license is issued authorizing any export under subparagraph (A).

[(2)] *(3)* Any determination which has been made with respect to a country under paragraph (1)*(A)* of this subsection may not be rescinded unless the President, at least 30 days before the proposed rescission would take effect, submits to the Congress a report justifying the rescission and certifying that—

(A) the country concerned has not provided support for international terrorism, including support or sanctuary for any major terrorist or terrorist group in its territory, during the preceding 6-month period; and

(B) the country concerned has provided assurances that it will not support acts of international terrorism in the future.

(4) The President shall take all feasible steps to secure the cooperation of appropriate foreign governments in prohibiting or controlling (as the case may be) the export to countries described in paragraph (1)(A) of items, goods, and technology comparable to the items, goods, and technology the export of which is prohibited or controlled by this subsection.

(5) In the computation of the period of 30 legislative days referred to in paragraph (2)(B), there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.

ATOMIC ENERGY ACT OF 1954

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Chapter 11. International Activities

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SEC. 132. AUTHORITY TO SUSPEND NUCLEAR COOPERATION WITH NATIONS WHICH HAVE NOT RATIFIED THE CONVENTION ON THE PHYSICAL SECURITY OF NUCLEAR MATERIAL.—

The President may suspend nuclear cooperation under this Act with any nation or group of nations which has not ratified the Convention on the Physical Security of Nuclear Material.

SEC. 133. CONSULTATION WITH THE DEPARTMENT OF DEFENSE CONCERNING CERTAIN EXPORTS AND SUBSEQUENT ARRANGEMENTS.—

a. In addition to other applicable requirements—

(1) a license may be issued by the Nuclear Regulatory Commission under this Act for the export of special nuclear material described in subsection b.; and

(2) approval may be granted by the Secretary of Energy under section 131 of this Act for the transfer of special nuclear material described in subsection b.;

only after the Secretary of Defense has been consulted on whether the physical protection of that material during the export or transfer will be adequate to deter theft, sabotage, and other acts of international terrorism which would result in the diversion of that material. If, in the view of the Secretary of Defense, the export or trans-

fer might be subject to a genuine terrorist threat, the Secretary shall provide to the Nuclear Regulatory Commission or the Secretary of Energy, as appropriate, his written assessment of the risk and a description of the actions the Secretary of Defense considers necessary to upgrade physical protection measures.

b. Subsection a. applies to the export or transfer of more than 2 kilograms of plutonium or more than 20 kilograms of uranium enriched to more than 20 percent in the isotope 233 or the isotope 235.

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TITLE 37, UNITED STATES CODE

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CHAPTER 10—PAYMENTS TO MISSING PERSONS

Sec.
551. Definitions.
552. Pay and allowances: continuance while in a missing status; limitations.
553. Allotments: continuance, suspension, initiation, resumption, or increase while in a missing status; limitations.
554. Travel and transportation: dependents; household and personal effects, trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.
555. Secretarial review.
556. Secretarial determinations.
557. Settlement of accounts.
558. income tax deferment.
559. Benefits for members held as captives.

* * * * * * *

§ 559. Benefits for members held as captives

(a) In this section—

(1) "captive status" means a missing status of a member of the uniformed services which, as determined by the President, arises because of a hostile action and is a result of membership in the uniformed services, but does not include a period of captivity of a member as a prisoner of war if Congress provides to such member, in an Act enacted after the date of the enactment of the Victims of Terrorism Compensation Act, monetary payment in respect of such period of captivity; and

(2) "former captive" means a person who, as a member of the uniformed services, was held in a captive status.

(b)(1) The Secretary of the Treasury shall establish a savings fund to which the Secretary concerned may allot all or any portion of the pay and allowances of any member of the uniformed services who is in a captive status to the extent that such pay and allowances are not subject to an allotment under section 553 of this title or any other provision of law.

(2) Amounts so allotted shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with three-month maturities issued during the preceding calendar quarter. Such interest shall be computed quarterly.

(3) Amounts in the savings fund credited to a member shall be considered as pay and allowances for purposes of section 553(c) of this title and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

(4) Any interest accuring under this subjection on—

(A) any amount for which a member is indebted to the United States under section 552(c) of this title shall be deemed to be part of the amount due under such section; and

(B) any amount referred to in section 556(f) of this title shall be deemed to be part of such amount for purposes of such section.

(5) An allotment under this subsection may be made without regard to section 553(c) of this title.

(c)(1) Except as provided in paragraph (3) of this subsection, the President shall make a cash payment to any person who is a former captive. Such payment shall be made before the end of the one-year period beginning on the date on which the captive status of such person terminates.

(2) The amount of such payment shall be determined by the President under the provisions of section 5569(d)(2) of title 5.

(3)(A) The President—

(i) may defer such payment in the case of any former captive who during such one-year period is charged with an offense described in clause (ii) of this subparagraph, until final disposition of such charge; and

(ii) may deny such payment in the case of any former captive who is convicted of a captivity-related offense—

(I) referred to in subsection (b) or (c) of section 8312 of title 5; or

(II) under chapter 47 of title 10 (the Uniform Code of Military Justice) that is punishable by dishonorable discharge, dismissal, or confinement for one year or more.

(B) For the purposes of subparagraph (A) of this paragraph, a captivity-related offense is an offense that is—

(i) committed by a person while the person is in a captive status; and

(ii) related to the captive status of the person.

(4) A payment under this subsection is in addition to any other amount provided by law.

(5) Any amount due a person under this subsection shall, after the death of such person, be deemed to be pay and allowances for the purposes of this chapter.

(6) Any payment made under paragraph (1) of this subsection that is later denied under paragraph (3)(A)(ii) of this subsection is a claim of the United States Government for purposes of section 3711 of title 31.

(d) A determination by the President under subsection (a)(1) or (c) of this section is final and is not subject to judicial review.

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TITLE 10, UNITED STATES CODE

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Subtitle A—General Military Law

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PART III—TRAINING

Chapter		Sec.
101.	Training Generally	2001
102.	Junior Reserve Officers' Training Corps	2031
103.	Senior Reserve Officers' Training Corps	2101
104.	Uniformed Services University of the Health Sciences	2112
105.	Armed Forces Health Professions Scholarship Program	2120
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107.	Educational Assistance for Persons Enlisting for Active Duty	2141
108.	Granting of Advanced Degrees at Department of Defense Schools	2161
109.	Educational Loan Repayment Programs	2171
110.	*Educational Assistance for Members Held as Captives and Their Dependents*	*2181*

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PART II—PERSONNEL

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CHAPTER 53—MISCELLANEOUS RIGHTS AND BENEFITS

Sec.
1031. Administration of oath.

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1051. Disability and death compensation: dependents of members held as captives.

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§ 1051. Disability and death compensation: dependents of members held as captives

(a) The President shall prescribe regulations under which the Secretary concerned may pay compensation for the disability or death of a dependent of a member of the uniformed services if the President determines that the disability or death—

(1) was caused by hostile action; and

(2) was a result of the relationship of the dependent to the member of the uniformed services.

(b) Any compensation otherwise payable to a person under this section in connection with any disability or death shall be reduced by any amount payable to such person under any other program funded in whole or in part by the United States in connection with such disability or death, except that nothing in this subsection shall result in the reduction of any amount below zero.

(c) A determination by the President under subsection (a) is conclusive and is not subject to judicial review.

(d) In this section:

(1) "Captive status" has the meaning given that term in section 559 of title 37.

(2) "Dependent" has the meaning given that term in section 551 of that title.

(3) "Secretary concerned" and "uniformed services" have the meanings given those terms in section 101 of that title.

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CHAPTER 55—MEDICAL AND DENTAL CARE

Sec.
1071. Purpose of this chapter.

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1095. Medical care: members held as captives and their dependents.

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§ 1095. Medical care: members held as captives and their dependents

(a) Under regulations prescribed by the President, the Secretary concerned shall pay (by advancement or reimbursement) any person who is a former captive, and any dependent of that person or of a person who is in a captive status, for health care and other expenses related to such care, to the extent that such care—

(1) is incident to the captive status; and

(2) is not covered—

(A) by any other Government medical or health program; or

(B) by insurance.

(b) In the case of any person who is eligible for medical care under section 1074 or 1076 of this title, such regulations shall require that, whenever practicable, such care be provided in a facility of the uniformed services.

(c) In this section:

(1) "Captive status" and "former captive" have the meanings given those terms in section 559 of title 37.

(2) "Dependent" has the meaning given that term in section 51 of that title.

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PART III—TRAINING

Chapter Sec.
101. Training Generally 2001
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109. Educational Loan Repayment Programs 2171
110. Educational Assistance for Members Held as Captives and Their Dependents 2181

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CHAPTER 110—EDUCATIONAL ASSISTANCE FOR MEMBERS HELD AS CAPTIVES AND THEIR DEPENDENTS

Sec.
2181. Definitions.
2182. Educational assistance: dependents of captives.
2183. Educational assistance: former captives.
2184. Termination of assistance.
2185. Programs to be consistent with programs administered by the Veterans' Administration.

§ 2181. Definitions

In this chapter:

(1) "Captive status" and "former captive" have the meanings given those terms in section 559 of title 37.

(2) "Dependent" has the meaning given that term in section 551 of that title.

§ 2182. Educational assistance; dependents of captives

(a) Under regulations prescribed by the President, the Secretary concerned shall pay (by advancement or reimbursement) a dependent of a person who is in a captive status for expenses incurred, while attending an educational or training institution, for—

(1) subsistence;

(2) tutition;

(3) fees;

(4) supplies;

(5) books;

(6) equipment; and

(7) other educational expenses.

(b) Except as provided in section 2184 of this title, payments shall be available under this section for a dependent of a person who is in a captive status for education or training that occurs—

(1) after that person is in a captive status for not less than 90 days; and

(2) on or before—

(A) the end of any semester or quarter (as appropriate) that begins before the date on which the captive status of that person terminates;

(B) the earlier of the end of any course that began before such date or the end of the 16-week period following that date if the educational or training institution is not operated on a semester or quarter system; or

(C) a date specified by the Secretary concerned in order to respond to special circumstances.

(c) If a person in a captive status or a former captive dies and the death is incident to the captivity, payments shall be available under this section for a dependent of that person for education or training that occurs after the date of the death of that person.

(d) The provisions of this section shall not apply to any dependent who is eligible for assistance under chapter 35 of title 38 or similar assistance under any other provision of law.

§ 2183. Educational assistance: former captives

(a) In order to respond to special circumstances, the Secretary concerned may pay (by advancement or reimbursement) a person who is a former captive for expenses incurred, while attending an educational or training institution, for—

(1) subsistence;
(2) tuition;
(3) fees;
(4) supplies;
(5) books;
(6) equipment; and
(7) other educational expenses.

(b) Except as provided in section 2184 of this title, payments shall be available under this section for a person who is a former captive for education or training that occurs—

(1) after the termination of the status of that person as a captive; and
(2) on or before—
(A) the end of any semester or quarter (as appropriate) that begins before the end of the 10-year period beginning on the date on which the status of that person as a captive terminates; or
(B) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course that began before such date or the end of the 16-week period following that date.

(c) Payments shall be available under this section only to the extent that such payments are not otherwise authorized by law.

§ 2184. Termination of assistance

Assistance under this chapter—

(1) shall be discontinued for any person whose conduct or progress is unsatisfactory under standards consistent with those established under section 1724 of title 38; and
(2) may not be provided for any person for more than 45 months (or the equivalent in other than full-time education or training).

§ 2185. Programs to be consistent with programs administered by the Veterans' Administration

Regulations prescribed to carry out this chapter shall provide that the programs under this chapter shall be consistent with the educational assistance programs under chapters 35 and 36 of title 38.

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PORTS AND WATERWAYS SAFETY ACT

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SEC. 6. WATERFRONT SAFETY.

58-411 O - 86 - 4

(a) IN GENERAL.—The Secretary may take such action as is necessary to—

(1) prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and

(2) protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss. Such action may include, but need not be limited to—

(A) establishing procedures, measures, and standards for the handling, loading, unloading, storage, stowage, and movement on the structure (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in section 4417a of the Revised Statutes, as amended;

(B) prescribing minimum safety equipment requirements for the structure to assure adequate protection from fire, explosion, natural disaster, and other serious accidents or casualties;

(C) establishing water or waterfront safety zones, or other measures for limited, controlled, or conditional access and activity when necessary for the protection of any vessel, structure, waters, or shore area; and

(D) establishing procedures for examination to assure compliance with the requirements prescribed under this section.

(b) STATE LAW.—Nothing contained in this section, with respect to structures, prohibits a State or political subdivision thereof from prescribing higher safety equipment requirements or safety standards than those which may be prescribed by regulations hereunder.

SEC. 7. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

(a) GENERAL AUTHORITY.—The Secretary is authorized to take the actions described in subsection (b) in order to help prevent and respond to acts of terrorism against—

(1) vessels and public or commercial waterfront facilities that are located on or near the navigable waters of the United States, and

(2) vessels and facilities located on the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act).

(b) SPECIFIC AUTHORITY.—In order to carry out this section, the Secretary is authorized—

(1) to obtain, analyze, and coordinate the use of information concerning actual or potential terrorist threats to the vessels and facilities referred to in subsection (a);

(2) to recruit additional members of the Regular Coast Guard and the Coast Guard Reserve, and to train members of the Regular Coast Guard and the Coast Guard Reserve in the techniques of preventing and responding to acts of terrorism against such vessels and facilities;

(3) to use members of the Regular Coast Guard and the Coast Guard Reserve to carry out other activities authorized by law to

be carried out by the Secretary, including inspections, port and harbor patrols, and the establishment of security and safety zones, for the purpose of preventing acts of terrorism against such vessels and facilities;

(4) to purchase equipment for use by the Coast Guard, except that not more than 20 percent of any amounts appropriated to carry out this section may be used for purposes of this paragraph; and

(5) to develop plans and procedures to respond to acts of terrorism against such vessels and facilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $125,000,000, to be available until expended, to carry out this section and to conduct the assessments required by sections 905 and 907 of the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986.

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APPENDIX

AMENDMENT TO H.R. 4151 REPORTED BY THE COMMITTEE ON FOREIGN AFFAIRS

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Diplomatic Security and Anti-Terrorism Act of 1986".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DIPLOMATIC SECURITY

Sec. 101. Short title.
Sec. 102. Findings and purposes.
Sec. 103. Responsibility of the Secretary of State.
Sec. 104. Bureau of Diplomatic Security.
Sec. 105. Responsibilities of the Assistant Secretary for Diplomatic Security.
Sec. 106. Cooperation of other Federal agencies.
Sec. 107. Protection of foreign consulates.

TITLE II—DIPLOMATIC SECURITY SERVICE

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Sec. 601. Actions to combat international nuclear terrorism.
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Sec. 604. Review of physical security standards.
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TITLE VII—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM

Sec. 701. Consideration of international terrorism at the Tokyo Economic Summit Conference.
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Sec. 706. Reports on progress in increasing multilateral cooperation.

TITLE VIII—VICTIMS OF TERRORISM COMPENSATION

Sec. 801. Short title.
Sec. 802. Benefits for captives and other victims of hostile action.
Sec. 803. Retention of leave by alien employees following injury from hostile action abroad.
Sec. 804. Transition provisions.
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TITLE IX—MARITIME SECURITY

Sec. 901. Short title.
Sec. 902. International measures for seaport and shipboard security.
Sec. 903. Measures to prevent unlawful acts against passengers and crews on board ships.
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Sec. 906. Port, harbor, and coastal facility security.
Sec. 907. Security standards at foreign ports.
Sec. 908. Travel advisories concerning security at foreign ports.
Sec. 909. Suspension of passenger services.
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Sec. 911. Definitions.

TITLE X—FASCELL FELLOWSHIP PROGRAM

Sec. 1001. Short title.
Sec. 1002. Fellowship program for temporary service at United States missions in the Soviet Union and Eastern Europe.
Sec. 1003. Fellowship Board.
Sec. 1004. Fellowships.
Sec. 1005. Secretary of State.

TITLE I—DIPLOMATIC SECURITY

SEC. 101. SHORT TITLE.

Titles I through IV of this Act may be cited as the "Diplomatic Security Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) the United States has a crucial stake in the presence of United States Government personnel representing United States interests abroad;

(2) conditions confronting United States Government personnel and missions abroad are fraught with security concerns which will continue for the foreseeable future; and

(3) the resources now available to counter acts of terrorism and protect and secure United States Government personnel and missions abroad, as well as foreign officials and missions in the United States, are inadequate to meet the mounting threat to such personnel and facilities.

(b) PURPOSES.—The purposes of titles I through IV are—

(1) to set forth the responsibility of the Secretary of State with respect to the security of diplomatic operations in the United States and abroad;

(2) to provide for an Assistant Secretary of State to head the Bureau of Diplomatic Security of the Department of State, and to set forth certain provisions relating to the Diplomatic Security Service of the Department of State;

(3) to maximize coordination by the Department of State with Federal, State, and local agencies and agencies of foreign governments in order to enhance security programs;

(4) to promote strengthened security measures and to provide for the accountability of United States Government personnel with security-related responsibilities; and

(5) to provide authorization of appropriations for the Department of State to carry out its responsibilities in the area of security and counter-terrorism, and in particular to finance the acquisition and improvements of United States Government missions abroad, including real property, buildings, facilities, and communications, information, and security systems.

SEC. 103. RESPONSIBILITY OF THE SECRETARY OF STATE.

(a) SECURITY FUNCTIONS.—The Secretary of State shall develop and implement (in consultation with the heads of other Federal agencies having personnel or missions abroad where appropriate and within the scope of the resources made available) policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic nature and foreign government operations of a diplomatic nature in the United States. Such policies and programs shall include—

(1) protection of all United States Government personnel on official duty abroad (other than those personnel under the command of a United States area military commander) and their accompanying dependents;

(2) establishment and operation of security functions at all United States Government missions abroad (other than facilities or installations subject to the control of a United States area military commander);

(3) establishment and operation of security functions at all Department of State facilities in the United States; and

(4) protection of foreign missions, international organizations, and foreign officials and other foreign persons in the United States, as authorized by law.

(b) OVERSIGHT OF POSTS ABROAD.—The Secretary of State shall—

(1) have full responsibility for the coordination of all United States Government personnel assigned to diplomatic or consular posts or other United States missions abroad pursuant to United States Government authorization (except for facilities, installations, or personnel under the command of a United States area military commander); and

(2) establish appropriate overseas staffing levels for all such posts or missions for all Federal agencies with activities abroad (except for personnel and activities under the command of a United States area military commander).

(c) FEDERAL AGENCY.—As used in this title and title III, the term "Federal agency" includes any department or agency of the United States Government.

SEC. 104. BUREAU OF DIPLOMATIC SECURITY.

(a) THE BUREAU.—There shall be a Bureau of Diplomatic Security in the Department of State, to be headed by the Assistant Secretary for Diplomatic Security. The Assistant Secretary shall be responsible for carrying out the functions and duties set forth in section 105 and such additional functions as may be directed by the Secretary of State.

(b) NUMBER OF ASSISTANT SECRETARIES.—The first section of the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes," approved May 26, 1949 (22 U.S.C. 2652), is amended by striking out "fourteen" and inserting in lieu thereof "fifteen".

(c) POSITIONS AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking out "(14)" following "Assistant Secretaries of State" and inserting in lieu thereof "(15)".

(d) COMPLIANCE WITH BUDGET ACT.—New spending authority (within the meaning of section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974) provided by the amendment made by subsection (c) of this section shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts.

SEC. 105. RESPONSIBILITIES OF THE ASSISTANT SECRETARY FOR DIPLOMATIC SECURITY.

The Assistant Secretary for Diplomatic Security shall be responsible for the following:

(1) FORMER OFFICE OF SECURITY FUNCTIONS.—Functions and responsibilities exercised by the Office of Security, Department of State before November 11, 1985.

(2) SECURITY AND PROTECTIVE OPERATIONS ABROAD.—

(A) Establishment and operation of post security and protective functions abroad.

(B) Establishment and operation of communications, computer, and information security.

(C) Emergency planning.

(D) Establishment and operation of local guard services.

(E) Supervision of the United States Marine Corps security guard program.

(F) Liaison with American overseas private sector security interests.

(3) SECURITY AND PROTECTIVE OPERATIONS IN THE UNITED STATES.—

(A) Protection of foreign missions and international organizations, foreign officials, and diplomatic personnel, as authorized by law.

(B) Protection of the Secretary of State and other persons designated by the Secretary of State, as authorized by law.

(C) Protection of Department of State facilities, communications, and computer and information systems.

(D) Conduct of investigations relating to protection of foreign officials and diplomatic personnel and foreign missions, suitability for employment, employee security, illegal passport and visa issuance or use, and other investigations, as authorized by law.

(E) Assisting an Inspector General of the Department of State with such investigations as that Inspector General may request.

(F) Carrying out the rewards program for information concerning international terrorism authorized by section 36(a)(1) of the State Department Basic Authorities Act of 1956.

(G) Performance of other security and protective matters as authorized by law.

(4) COUNTER-TERRORISM PLANNING AND COORDINATION.—With respect to programs of the Department of State, development and coordination of counter-terrorism planning, emergency action planning, threat analysis programs, and liaison with other Federal agencies to carry out this paragraph.

(5) SECURITY TECHNOLOGY.—With respect to programs of the Department of State, development, procurement, and implementation of technical security measures, including security-related construction, radio and personnel security communications, armored vehicles, computer and communications security, and research programs necessary to develop such measures.

(6) DIPLOMATIC COURIER SERVICE.—Management of the transfer of classified and unclassified physical information, diplomatic pouch contents, and related services.

(7) PERSONNEL TRAINING.—Development of facilities, methods, and materials to develop and upgrade necessary skills in order to carry out this section.

(8) FOREIGN GOVERNMENT TRAINING.—Management and development of anti-terrorism assistance programs to assist foreign government security training which are administered by the Department of State under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).

SEC. 106. COOPERATION OF OTHER FEDERAL AGENCIES.

(a) ASSISTANCE.—In order to facilitate fulfillment of the responsibilities described in section 103(a), other Federal agencies shall cooperate (through agreements) to the maximum extent possible with the Secretary of State. Such agencies may, with or without reimbursement, provide assistance to the Secretary, perform security inspections, provide logistical support relating to the differing missions and facilities of other Federal agencies, and perform other overseas security functions as may be authorized by the Secretary. Specifically, the Secretary may agree to delegate operational control of overseas security functions of other Federal agencies to the heads of such agencies, subject to the Secretary's authority as set forth in section 103(a). The agency head receiving such delegated authority shall be responsible to the Secretary in the exercise of the delegated operational control.

(b) OTHER AGENCIES.—Nothing contained in titles I through IV shall be construed to limit or impair the authority or responsibility of any other Federal, State, or local agency with respect to law enforcement or domestic security operations.

(c) CERTAIN LEASE ARRANGEMENTS.—The Administrator of General Services is authorized to lease (to such extent or in such amounts as are provided in appropriation Acts) up to 250,000 square feet in the United States for the Department of State to accommodate the personnel required to carry out this title. The Department of State shall pay for such space at the rate established by the Administrator of General Services for space and related services.

SEC. 107. PROTECTION OF FOREIGN CONSULATES.

Not later than 2 months after the date of enactment of this Act, the Secretary of State shall establish a process for periodic review of the accreditation in the United States of all foreign consular personnel, including honorary consuls, and the number and location of all foreign consular facilities in the United States. The Secretary shall submit a report on this process to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate not later than 6 months after the date of enactment of this Act. Such report shall describe this periodic review process and present a plan for the reduction (as well as consolidation) of foreign consular and related functions in the United States.

TITLE II—DIPLOMATIC SECURITY SERVICE

SEC. 201. ESTABLISHMENT OF DIPLOMATIC SECURITY SERVICE.

There shall be, within the Bureau of Diplomatic Security, the Diplomatic Security Service. The Diplomatic Security Service shall perform such functions as may be assigned to it by the Secretary of State.

SEC. 202. DIRECTOR OF DIPLOMATIC SECURITY SERVICE.

The Diplomatic Security Service shall be headed by a Director designated by the Secretary of State. The Director shall be a career member of the Senior Foreign Service or the Senior Executive Service and shall be qualified for the position by virtue of demonstrated ability in the area of security, law enforcement, management, or public administration. Experience in management or operations at diplomatic posts abroad shall be considered an affirmative factor in the selection of the Director. The Director shall act under the supervision and direction of the Assistant Secretary for Diplomatic Security.

SEC. 203. POSITIONS IN THE DIPLOMATIC SECURITY SERVICE.

Positions in the Diplomatic Security Service shall be filled in accordance with the provisions of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) and title 5, United States Code. In filling such positions, the Secretary of State shall actively recruit women and members of minority groups. The Secretary of State shall prescribe the qualifications required for assignment or appointment to such positions. In the case of positions designated for special agents, the qualifications may include minimum and maximum entry age restrictions and other physical standards and shall incorporate such standards as may be required by law in order to perform security functions, to bear arms, and to exercise investigatory, warrant, arrest, and such other authorities as are available by law to special agents of the Department of State and the Foreign Service.

TITLE III—PERFORMANCE AND ACCOUNTABILITY

SEC. 301. ACCOUNTABILITY REVIEW.

In any case of serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad which is covered by the provisions of titles I through IV (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (hereafter in this title referred to as the "Board"). The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.

SEC. 302. ACCOUNTABILITY REVIEW BOARD.

(a) MEMBERSHIP.—A Board shall consist of five members, 4 appointed by the Secretary of State, and 1 appointed by the Director of Central Intelligence. The Secretary of State shall designate the Chairperson of the Board. Members of the Board who are not Federal officers or employees shall each be paid at a rate not to exceed the maximum rate of basic pay payable for level GS–18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Board. Members of the Board who are Federal officers or employees shall receive no additional pay by reason of such membership.

(b) FACILITIES, SERVICES, SUPPLIES, AND STAFF.—

(1) SUPPLIED BY DEPARTMENT OF STATE.—A Board shall obtain facilities, services, and supplies through the Department of State. All expenses of the Board, including necessary costs of travel, shall be paid by the Department of State. Travel expenses authorized under this paragraph shall be paid in accordance with subchapter I of chapter 57 of title 5, United States Code, or other applicable law.

(2) DETAIL.—At the request of a Board, employees of the Department of State or other Federal agencies, members of the Foreign Service, or members of the uniformed services may be temporarily assigned, with or without reimbursement, to assist the Board. Upon request, the Inspector General of the Department of State and the Foreign Service may provide assistance to the Board.

(3) EXPERTS AND CONSULTANTS.—A Board may employ and compensate (in accordance with section 3109 of title 5, United States Code) such experts and consultants as the Board considers necessary to carry out its functions. Experts and consultants so employed shall be responsible solely to the Board.

SEC. 303. PROCEDURES.

(a) EVIDENCE.—

(1) UNITED STATES GOVERNMENT PERSONNEL AND CONTRACTORS.—

(A) With respect to any individual described in subparagraph (B), a Board may—

(i) administer oaths and affirmations;

(ii) require that depositions be given and interrogatories answered; and

(iii) require the attendance and presentation of testimony and evidence by such individual.

Failure of any such individual to comply with a request of the Board shall be grounds for disciplinary action by the head of the Federal agency in which such individual is employed or serves, or in the case of a contractor, debarment.

(B) The individuals referred to in subparagraph (A) are—

(i) employees as defined by section 2105 of title 5, United States Code (including members of the Foreign Service);

(ii) members of the uniformed services as defined by section 101(3) of title 37, United States Code;

(iii) employees of instrumentalities of the United States; and

(iv) individuals employed by any person or entity under contract with agencies or instrumentalities of the United States Government to provide services, equipment, or personnel.

(2) OTHER PERSONS.—With respect to a person who is not described in paragraph (1)(B), a Board may administer oaths and affirmations and require that depositions be given and interrogatories answered.

(3) SUBPOENAS.—(A) The Board may issue a subpoena for the attendance and testimony of any person (other than a person described in clause (i), (ii), or (iii) of paragraph (1)(B)) and the production of documentary or other evidence from any such person if the Board finds that such a subpoena is necessary in the interests of justice for the development of relevant evidence.

(B) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, a court of the United States within the jurisdiction of which a person is directed to appear or produce information, or within the jurisdiction of which the person is found, resides, or transacts business, may upon application of the Attorney General, issue to such person an order requiring such person to appear before the Board to give testimony or produce information as required by the subpoena.

(C) Subpoenaed witnesses shall be paid the same fee and mileage allowances which are paid subpoenaed witnesses in the courts of the United States.

(b) CONFIDENTIALITY.—A Board shall adopt for administrative proceedings under this title such procedures with respect to confidentiality as may be deemed necessary, including procedures relating to the conduct of closed proceedings or the submission and use of evidence in camera, to ensure in particular the protection of classified information relating to national defense, foreign policy, or intelligence matters. The Director of Central Intelligence shall establish the level of protection required for intelligence information and for information relating to intelligence personnel, including standards for secure storage.

(c) RECORDS.—Records pertaining to administrative proceedings under this title shall be separated from all other records of the Department of State and shall be maintained under appropriate safeguards to preserve confidentiality and classification of information. Such records shall be prohibited from disclosure to the public until such time as a Board completes its work and is dismissed. The Department of State shall turn over to the Director of Central Intelligence intelligence information and information relating to intelligence personnel which shall then become records of the Central Intelligence Agency. After that time, only such exemptions as apply to other records of the Department of State under section 552(b) of title 5 of the United States Code (relating to freedom of information), shall be available for the remaining records of the Board.

(d) STATUS OF BOARDS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) and section 552b of title 5 of the United States Code (relating to open meetings) shall not apply to any Board.

SEC. 304. FINDINGS AND RECOMMENDATIONS BY A BOARD.

(a) FINDINGS.—A Board convened in any case shall examine the facts and circumstances surrounding the serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad and determine—

(1) the extent to which the incident or incidents with respect to which the Board was convened was security related;

(2) whether the security systems and security procedures at that mission were adequate;

(3) whether the security systems and security procedures were properly implemented;

(4) the impact of intelligence and information availability; and

(5) such other facts and circumstances which may be relevant to the appropriate security management of United States missions abroad.

(b) PROGRAM RECOMMENDATIONS.—A Board shall submit its findings (which may be classified to the extent deemed necessary by the Board) to the Secretary of State, together with recommendations as appropriate to improve the security and efficiency of any program or operation which the Board has reviewed.

(c) PERSONNEL RECOMMENDATIONS.—Whenever a Board finds reasonable cause to believe that an individual described in section 303(a)(1)(B) has breached the duty of that individual, the Board shall transmit the finding of reasonable cause, together with such evidence and recommendation for disciplinary or other appropriate action, to the head of the appropriate Federal agency or instrumentality. In determining whether an individual has breached a duty of that individual, the Board shall take into account any standard of conduct, law, rule, regulation, contract, or order which is pertinent to the performance of the duties of that individual.

(d) REPORTS.—

(1) PROGRAM RECOMMENDATIONS.—In any case in which a Board transmits recommendations to the Secretary of State under subsection (b), the Secretary shall, not later than 90 days after the receipt of such recommendations, submit a report to the Congress on each such recommendation and the action taken with respect to that recommendation.

(2) PERSONNEL RECOMMENDATIONS.—In any case in which a Board transmits a finding of reasonable cause under subsection (c), the head of the Federal agency or instrumentality receiving the information shall review the evidence and recommendations and shall, not later than 30 days after the receipt of that finding, transmit to the Congress a report specifying—

(A) the nature of the case and a summary of the evidence transmitted by the Board; and

(B) the decision by the Federal agency or instrumentality to take disciplinary or other appropriate action against that individual or the reasons for deciding not to take disciplinary or other action with respect to that individual.

SEC. 305. RELATION TO OTHER PROCEEDINGS.

Nothing in this title shall be construed to create administrative or judicial review remedies or rights of action not otherwise available by law, nor shall any provision of this title be construed to deprive any person of any right or legal defense which would otherwise be available to that person under any law, rule, or regulation.

TITLE IV—DIPLOMATIC SECURITY PROGRAM

SEC. 401. AUTHORIZATION.

(a) DIPLOMATIC SECURITY PROGRAM.—In addition to amounts otherwise available for such purposes, there are hereby authorized to be appropriated for the Department of State for fiscal years 1986 through 1990 under the heading "Administration of Foreign Affairs" for "Salaries and Expenses", "Acquisition and Maintenance of Buildings Abroad", and "Counter-Terrorism Research and Development", such sums as may be necessary for diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program, except that the aggregate appropriations pursuant to this subsection for each such account for those five fiscal years may not exceed the total amount specified for that account for those five fiscal years in the Department of State's Budget in Brief for fiscal year 1987.

(b) NOTIFICATION TO AUTHORIZING COMMITTEES OF REQUESTS FOR APPROPRIATIONS.—In any fiscal year, whenever the Secretary of State submits to the Congress a request for appropriations to carry out the program described in subsection (a), the Secretary shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of such request, together with a justification of each item listed in such request.

(c) REPROGRAMMING TREATMENT.—Amounts made available for capital projects pursuant to the program described in subsection (a) shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

(d) PROHIBITION ON REALLOCATIONS OF AUTHORIZATIONS.—Section 24(d) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2692(d)) shall not apply with respect to any amounts authorized to be appropriated under this section.

(e) SECURITY REQUIREMENTS OF OTHER FOREIGN AFFAIRS AGENCIES.—Based solely on security requirements and within the total amount of funds available for security, the Secretary of State shall ensure that an equitable level of funding is provided for the security requirements of other foreign affairs agencies.

(f) INSUFFICIENCY OF FUNDS.—In the event that sufficient funds are not available in any fiscal year for all of the diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program, the Secretary of State shall report to the Congress the effect that the insufficiency of funds will have with respect to the Department of State and each of the other foreign affairs agencies.

SEC. 402. DIPLOMATIC CONSTRUCTION PROGRAM.

(a) PREFERENCE FOR UNITED STATES CONTRACTORS.—Notwithstanding section 11 of the Foreign Service Buildings Act, 1926, and where adequate competition exists, only United States persons and qualified United States joint venture persons may bid on a diplomatic construction project, for which funds are authorized by this title, which has an estimated contract value exceeding $5,000,000.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to any project in a foreign country whose laws and policies prohibit the use of United States contractors on United States diplomatic construction projects.

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "adequate competition" means with respect to a construction project, the presence of two or more qualified bidders submitting responsive bids for that project;

(2) the term "United States person" means a person which—

(A) is incorporated or legally organized under the laws of the United States, including State, the District of Columbia, and local laws; and

(B) has its principal place of business in the United States; and

(C) has been incorporated or legally organized in the United States for more than 5 years before the issuance date of the invitation for bids or request for proposals with respect to a construction project; and

(D) has performed within the United States administrative and technical, professional, or construction services similar in complexity, type of construction, and value to the project being bid; and

(E) has achieved total business volume equal to or greater than the value of the project being bid in 3 years of the 5-year period before the date specified in subparagraph (C); and

(F) employs United States citizens in more than half of its permanent, full-time positions in the United States and will employ United States citizens in 80 percent of the supervisory positions on the foreign buildings office project site; and

(G) has the existing technical and financial resources in the United States to perform the contract; and

(3) the term "qualified United States joint venture person" means a joint venture in which a United States person or persons owns at least 51 percent of the assets of the joint venture.

(d) AMERICAN MINORITY CONTRACTORS.—Not less than 10 percent of the amount appropriated pursuant to section 401(a) for diplomatic construction projects each fiscal year shall be allocated to the extent practicable for contracts with American minority contractors.

SEC. 403. QUALIFICATIONS OF PERSONS HIRED FOR THE DIPLOMATIC CONSTRUCTION PROGRAM.

In carrying out the diplomatic construction program referred to in section 401(a), the Secretary of State may employ as professional staff (by appointment, contract, or otherwise) only those persons with a demonstrated specialized background in the fields of construction, construction law, or contract management. In filling such positions, the Secretary shall actively recruit women and members of minority groups.

SEC. 404. COST OVERRUNS.

Any amount required to complete any capital project described in the Department of State's Supplemental Diplomatic Security Program which is in excess of the amount made available for that project shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings.

SEC. 405. EFFICIENCY IN CONTRACTING.

The Director of the Office of Foreign Buildings shall provide for a contract system of bonuses and penalties for the diplomatic construction program funded pursuant to the authorizations provided in this title. Not later than 3 months after the date of enactment of this Act, the Director shall submit a report to the Congress on the implementation of this section.

SEC. 406. ADVISORY PANEL ON OVERSEAS SECURITY.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress on the implementation of the 91 recommendations contained in the final report of the Advisory Panel on Overseas Security. If any such recommendation has been rejected, the Secretary shall provide the reasons why that recommendation was rejected.

SEC. 407. TRAINING TO IMPROVE PERIMETER SECURITY AT UNITED STATES DIPLOMATIC MISSIONS ABROAD.

(a) TRAINING.—It is the sense of Congress that the President should use the authority under chapter 8 of title II of the Foreign Assistance Act of 1961 (relating to anti-terrorism assistance) to improve perimeter security of United States diplomatic missions abroad.

(b) REPORTS.—Not later than October 1 of each year, the President shall submit a report to the Congress on the progress and problems of improving perimeter security of United States diplomatic missions abroad.

SEC. 408. PROTECTION OF ENTRANCE OF UNITED STATES DIPLOMATIC MISSIONS ABROAD.

The Secretary of State shall install and maintain a walk-through metal detector or more advanced screening system at the main entrance of each United States diplomatic mission abroad.

SEC. 409. CERTAIN PROTECTIVE FUNCTIONS.

Section 208(a) of title 3, United States Code, is amended by adding at the end thereof the following: "In carrying out any duty under section 202(7), the Secretary of State is authorized to utilize any authority available to the Secretary under title II of the State Department Basic Authorities Act of 1956.".

TITLE V—STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

SEC. 501. MOST WANTED INTERNATIONAL TERRORISTS LIST.

(a) MAINTENANCE AND PUBLICATION.—The Secretary of State shall maintain and publicize a most wanted international terrorists list.

(b) SELECTION.—The Most wanted international terrorists list shall contain the names of those individuals—

(1) with respect to whom rewards could be offered under paragraph (1) or paragraph (2)(A)(ii) of section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a)); and

(2) who are sought for prosecution by the United States for acts described in those paragraphs; and

(3) whose inclusion on the list would be useful in enhancing efforts to apprehend and effectively prosecute them.

The Secretary of State shall make the determinations required by this section, in consultation with the Attorney General.

SEC. 502. AMOUNT OF REWARDS FOR INFORMATION ABOUT MOST WANTED INTERNATIONAL TERRORISTS.

Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)) is amended by inserting immediately before the period at the end of the first sentence the following: ", except that a reward of up to $1,000,000 may be paid with respect to each individual on the most wanted international terrorists list established pursuant to section 501 of the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986, each individual sought for an act of international terrorism resulting in the death of a citizen or national of the United States, and each individual sought for an act of international terrorism involving the detention of a citizen or national of the United States for a period longer than 60 days".

SEC. 503. REWARDS FOR INFORMATION RELATING TO INTERNATIONAL NARCOTERRORISM AND DRUG TRAFFICKING.

(a) AUTHORITY OF THE SECRETARY OF STATE.—Section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a)) is amended to read as follows:

"(a) The Secretary of State may pay a reward to any individual who furnishes the following information:

"(1) INTERNATIONAL TERRORISM.—Information leading to—

"(A) the arrest or conviction in any country of any individual for committing, or for conspiring or attempting to commit, an act of international terrorism; or

"(B) the prevention, frustration, or favorable resolution of an act of international terrorism;

if the act of international terrorism is against a United States person or United States property and is primarily outside the territorial jurisdiction of the United States.

"(2) INTERNATIONAL NARCOTERRORISM AND DRUG TRAFFICKING.—Information leading to—

"(A) the arrest or conviction in any country of any individual for committing primarily outside the territorial jurisdiction of the United States, or for conspiring or attempting to commit primarily outside the territorial jurisdiction of the United States, a narcotics-related offense, if that offense involves or is a significant part of conduct that involves—

"(i) a violation of United States drug laws which occurs primarily outside the territorial jurisdiction of the United States and which is such that the individual is a class I violator under the Domestic Drug Violator Classification Standards and Criteria established by the Drug Enforcement Administration; or

"(ii) the killing or kidnapping outside the territorial jurisdiction of the United States of—

"(I) any officer, employee, or contract employee of the United States Government while that individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States drug laws or the implementation of United States drug control objectives, or

"(II) a member of the immediate family of any such individual on account of that individual's duties in connection with the enforcement of United States drug laws or the implementation of United States drug control objectives; or

"(B) the prevention or frustration of an act described in subparagraph (A).".

(b) CONSULTATION WITH THE ATTORNEY GENERAL.—Section 36(c) of such Act is amended to read as follows:

"(c) The Secretary of State shall advise and consult with the Attorney General before paying any reward under this section—

"(1) in a matter over which there is Federal criminal jurisdiction; or

"(2) for any information described in subsection (a)(2).".

(c) FUNDING FOR REWARDS.—Section 36(f) of such Act is amended by striking out the period at the end of the first sentence and inserting in lieu thereof the following: ", up to $2,000,000 of which may be used for rewards for information described in subsection (a)(2). In addition to the amount authorized by the preceding sentence, there are authorized to be appropriated $10,000,000 for fiscal year 1987 for 'Administration of Foreign Affairs' for use in paying rewards under this section, up to $5,000,000 of which may be used for rewards for information described in subsection (a)(2).".

(d) REPORTS ON REWARDS; DEFINITIONS.—Section 36 of such Act is amended by adding at the end thereof the following new subsections:

"(g) Not later than 30 days after paying any reward under this section, the Secretary of State shall submit a report to the Congress with respect to that reward. The report, which may be submitted on a classified basis if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid, and shall discuss the significance of the information for which the reward was paid in dealing with those acts.

"(h) As used in this section—

"(1) the term 'United States drug laws' means the laws of the United States for the prevention and control of illicit traffic in controlled substances (as such term is defined for purposes of the Controlled Substances Act); and

"(2) the term 'member of the immediate family' includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person to whom the individual stands in loco parentis; and

"(C) any other person living in the individual's household and related to the individual by blood or marriage.".

SEC. 504. COORDINATION OF TERRORISM-RELATED ASSISTANCE.

Section 502 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa-7) is amended—

(1) in the section heading by striking out "ANTI-TERRORISM" and inserting in lieu thereof "TERRORISM-RELATED";

(2) in subsection (a) by striking out "anti-terrorism assistance to foreign countries provided by the United States Government" and inserting in lieu thereof "assistance related to international terrorism which is provided by the United States Government to foreign countries"; and

(3) in subsection (b) by striking out "anti-terrorism assistance" and inserting in lieu thereof "assistance related to international terrorism which was".

SEC. 505. COUNTER-TERRORISM PROTECTION FUND.

The State Department Basic Authorities Act of 1956 is amended—

(1) by redesignating section 39 as section 40; and

(2) by inserting after section 38 (22 U.S.C. 2710) the following new section:

"SEC. 39. COUNTER-TERRORISM PROTECTION FUND.

"(a) AUTHORITY.—The Secretary of State may reimburse domestic and foreign persons, agencies, or governments for the protection of judges or other persons who provide assistance or information relating to terrorist incidents primarily outside the territorial jurisdiction of the United States. Before making a payment under this section in a matter over which there is Federal criminal jurisdiction, the Secretary shall advise and consult with the Attorney General.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State for 'Administration of Foreign Affairs' $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 for use in reimbursing persons, agencies, or governments under this section.

"(c) DESIGNATION OF FUND.—Amounts made available under this section may be referred to as the 'Counter-terrorism Protection Fund'.".

SEC. 506. REPORTS TO CONGRESS ON TERRORISM-RELATED TRAVEL ADVISORIES.

The Secretary of State shall report promptly to the Congress whenever the Department of State issues a travel advisory, or other public warning notice for United States citizens traveling abroad, because of a terrorist threat or other security concern.

SEC. 507. ISSUANCE OF TRAVEL ADVISORIES ON ACCOUNT OF TERRORISM SUPPORTED BY LIBYA, IRAN, OR OTHER FOREIGN GOVERNMENTS.

It is the sense of the Congress that the Secretary of State should consider the issuance of a travel advisory, or other appropriate notice, warning United States citizens of the dangers of traveling in any foreign country in which United States citizens—

(1) are attacked by terrorists supported by Libya or Iran if the government of that country fails to act immediately to require the closing of any Libyan official missions in that country or any Iranian official missions in that country, as the case may be; or

(2) are attacked by terrorists supported by any other foreign government which used its official missions to support that attack, if that foreign government is not immediately required to close all of its official missions in the country in which the attack occurred.

SEC. 508. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED SERVICES.

The State Department Basic Authorities Act of 1956 is amended—

(1) by redesignating section 40 (as so redesignated by section 505 of this Act) as section 41; and

(2) by inserting after section 39 (as added by section 505 of this Act) the following new section:

"SEC. 40. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED SERVICES.

"(a) AUTHORITY.—The Secretary of State may, by regulation, impose controls on the provision of the services described in subsection (b) if the Secretary determines that provision of such services would aid and abet international terrorism.

"(b) SERVICES SUBJECT TO CONTROL.—The services subject to control under subsection (a) are the following:

"(1) Serving in or with the security forces of a designated foreign government.

"(2) Providing training or other technical services having a direct military, law enforcement, or intelligence application, to or for the security forces of a designated foreign government.

Any regulations issued to impose controls on services described in paragraph (2) shall list the specific types of training and other services subject to the controls.

"(c) PERSONS SUBJECT OF CONTROLS.—These services may be controlled under subsection (a) when they are provided within the United States by any individual or entity and when they are provided anywhere in the world by a United States person.

"(d) LICENSES.—In carrying out subsection (a), the President may require licenses, which may be revoked, suspended, or amended, without prior notice, whenever such action is deemed to be advisable.

"(e) DEFINITIONS.—

"(1) DESIGNATED FOREIGN GOVERNMENT.—As used in this section, the term 'designated foreign government' means a foreign government that the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979, engages in or provides support for international terrorism.

"(2) SECURITY FORCES.—As used in this section, the term 'security forces' means any military or paramilitary forces, any police or other law enforcement agency, and any intelligence agency of a foreign government.

"(3) UNITED STATES.—As used in this section, the term 'United States' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

"(4) UNITED STATES PERSON.—As used in this section, the term 'United States person' means any United States national, any permanent resident alien, and any sole proprietorship, partnership, company, association, or corporation organized under the laws of or having its principal place of business within the United States.

"(f) VIOLATIONS.—Whoever willfully violates any regulation issued under this section shall be fined not more than $100,000 or five times the total compensation received for the conduct which constitutes the violation, whichever is greater, or imprisoned for not more than ten years, or both, for each such offense.

"(g) CONGRESSIONAL OVERSIGHT.—

"(1) REVIEW OF REGULATIONS.—Not less than 30 days before issuing any regulations under this section (including any amendments thereto), the President shall transmit the proposed regulations to the Congress.

"(2) REPORTS.—Not less than once every six months, the President shall report to the Congress concerning the number and character of licenses granted and denied during the previous reporting period, and such other information as the President may find to be relevant to the accomplishment of the objectives of this section.

"(h) RELATIONSHIP TO OTHER LAWS.—The authority granted by this section is in addition to the authorities granted by any other provision of law.".

SEC. 309. EXPORTS TO COUNTRIES SUPPORTING TERRORISM.

(a) PROHIBITION OF CERTAIN EXPORTS.—Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1)(A) No item on the United States Munitions List established pursuant to section 38(a)(1) of the Arms Export Control Act may be exported to any country which the Secretary of State determines engages in or provides support for international terrorism.

"(B) The President may waive the prohibition contained in subparagraph (A) in the case of a particular export if—

"(i) the President determines that the export is important to the national interests of the United States, and

"(ii) the President submits to the Congress a report justifying that determination and describing the proposed export.

Any waiver under this subparagraph shall expire at the end of 90 calendar days after it is granted unless the Congress enacts a law extending the waiver.

"(2)(A) No goods or technology which the Secretary of State determines would make a significant contribution to the military potential of a country referred to in paragraph (1)(A), or would enhance the ability of such country to support international terrorism, may be exported to such country except pursuant to a validated export license.

"(B) The Secretary and the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at

least 30 legislative days before any license is issued authorizing any export under subparagraph (A).".

(b) COOPERATION OF FOREIGN GOVERNMENTS; COMPUTATION OF LEGISLATIVE DAYS.—Section 6(j) of the Export Administration Act of 1979 is amended by adding at the end the following:

"(4) The President shall take all feasible steps to secure the cooperation of appropriate foreign governments in prohibiting or controlling (as the case may be) the export to countries described in paragraph (1)(A) of items, goods, and technology comparable to the items, goods, and technology the export of which is prohibited or controlled by this subsection.

"(5) In the computation of the period of 30 legislative days referred to in paragraph (2)(B), there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.".

(c) CLERICAL AMENDMENT.—Section 6(j)(3) of the Export Administration Act of 1979, as redesignated by subsection (a)(1) of this section, is amended by striking out "(1)" and inserting in lieu thereof "(1)(A)".

TITLE VI—INTERNATIONAL NUCLEAR TERRORISM

SEC. 601. ACTIONS TO COMBAT INTERNATIONAL NUCLEAR TERRORISM.

(a) ACTIONS TO BE TAKEN BY THE PRESIDENT.—The Congress hereby directs the President—

(1) to seek universal adherence to the Convention on the Physical Protection of Nuclear Material;

(2) to—

(A) conduct a review, enlisting the participation of all relevant departments and agencies of the Government, to determine whether the recommendations on Physical Protection of Nuclear Material published by the International Atomic Energy Agency are adequate to deter theft, sabotage, and the use of nuclear facilities and materials in acts of international terrorism, and

(B) transmit the results of this review to the Director-General of the International Atomic Energy Agency;

(3) to take, in concert with United States allies and other countries, such steps as may be necessary—

(A) to keep to an absolute minimum the amount of weapons-grade nuclear material in international transit, and

(B) to ensure that when any such material is transported internationally, it is under the most effective means for protecting it from acts or attempted acts of sabotage or theft by terrorist groups or nations; and

(4) to seek agreement in the United Nations Security Council to establish—

(A) an effective regime of international sanctions against any nation or subnational group which conducts or sponsors acts of international nuclear terrorism, and

(B) measures for coordinating responses to all acts of international nuclear terrorism, including measures for the recovery of stolen nuclear material and the clean-up of nuclear releases.

(b) REPORTS TO THE CONGRESS.—The President shall report to the Congress annually, in the reports required by section 601 of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281), on the progress made during the preceding year in achieving the objectives described in this section.

SEC. 602. AUTHORITY TO SUSPEND NUCLEAR COOPERATION WITH NATIONS WHICH HAVE NOT RATIFIED THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL.

Chapter 11 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following new section:

"SEC. 132. AUTHORITY TO SUSPEND NUCLEAR COOPERATION WITH NATIONS WHICH HAVE NOT RATIFIED THE CONVENTION ON THE PHYSICAL SECURITY OF NUCLEAR MATERIAL.—

"The President may suspend nuclear cooperation under this Act with any nation or group of nations which has not ratified the Convention on the Physical Security of Nuclear Material.".

SEC. 603. CONSULTATION WITH THE DEPARTMENT OF DEFENSE CONCERNING CERTAIN NUCLEAR EXPORTS AND SUBSEQUENT ARRANGEMENTS.

Chapter 11 of the Atomic Energy Act of 1954, as amended by section 602 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 133. CONSULTATION WITH THE DEPARTMENT OF DEFENSE CONCERNING CERTAIN EXPORTS AND SUBSEQUENT ARRANGEMENTS.—

"a. In addition to other applicable requirements—

"(1) a license may be issued by the Nuclear Regulatory Commission under this Act for the export of special nuclear material described in subsection b.; and

"(2) approval may be granted by the Secretary of Energy under section 131 of this Act for the transfer of special nuclear material described in subsection b.; only after the Secretary of Defense has been consulted on whether the physical protection of that material during the export or transfer will be adequate to deter theft, sabotage, and other acts of international terrorism which would result in the diversion of that material. If, in the view of the Secretary of Defense, the export or transfer might be subject to a genuine terrorist threat, the Secretary shall provide to the Nuclear Regulatory Commission or the Secretary of Energy, as appropriate, his written assessment of the risk and a description of the actions the Secretary of Defense considers necessary to upgrade physical protection measures.

"b. Subsection a. applies to the export or transfer of more than 2 kilograms of plutonium or more than 20 kilograms of uranium enriched to more than 20 percent in the isotope 233 or the isotope 235.".

SEC. 604. REVIEW OF PHYSICAL SECURITY STANDARDS.

(a) REVIEWS.—The Secretary of Defense, the Secretary of State, the Secretary of Energy, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission shall each review the adequacy of the physical security standards currently applicable with respect to the shipment and storage (outside the United States) of plutonium, and uranium enriched to more than 20 percent in the isotope 233 or the isotope 235, which is subject to United States prior consent rights, with special attention to protection against risks of seizure or other terrorist acts.

(b) REPORTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of Energy, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission shall each submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth the results of the review conducted pursuant to this section, together with appropriate recommendations.

SEC. 605. INTERNATIONAL REVIEW OF THE NUCLEAR TERRORISM PROBLEM.

The Congress hereby directs the President to seek a comprehensive review of the problem of nuclear terrorism by an international conference.

TITLE VII—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM

SEC. 701. CONSIDERATION OF INTERNATIONAL TERRORISM AT THE TOKYO ECONOMIC SUMMIT CONFERENCE.

The Congress hereby directs the President—

(1) to seek to have the issue of international terrorism included on the agenda of the 1986 Tokyo economic summit conference; and

(2) to seek agreement at that conference on a strengthening of the policy contained in the Joint Declaration on International Terrorism issued at the conclusion of the July 1978 Bonn economic summit conference, including agreement—

(A) to broaden that policy to cover the hijacking of all means of transportation, not just aircraft;

(B) to require the extradition or prosecution of those responsible for planning a hijacking, in addition to those who actually carried out the hijacking; and

(C) to impose a range of sanctions against those nations that refuse to extradite or prosecute all those responsible for any such hijacking.

SEC. 702. INTERNATIONAL ANTI-TERRORISM COMMITTEE.

The Congress hereby directs the President to continue to seek the establishment of an international committee, to be known as the International Anti-Terrorism Committee, consisting of representatives of the member countries of the North Atlantic Treaty Organization, Japan, and such other countries as may be invited and may choose to participate. The purpose of the Committee should be to focus the at-

tention and secure the cooperation of the governments and the public of the participating countries and of other countries on the problems and responses to international terrorism (including nuclear terrorism), by serving as a forum at both the political and law enforcement levels.

SEC. 703. INTERNATIONAL ARRANGEMENTS RELATING TO PASSPORTS AND VISAS.

The Congress hereby directs the President to seek the negotiation of international agreements (or other appropriate arrangements) to provide for the sharing of information relating to passports and visas in order to enhance cooperation among countries in combatting international terrorism.

SEC. 704. PROTECTION OF AMERICANS ENDANGERED BY THE APPEARANCE OF THEIR PLACE OF BIRTH ON THEIR PASSPORTS.

(a) FINDINGS.—The Congress finds that some citizens of the United States may be specially endangered during a hijacking or other terrorist incident by the fact that their place of birth appears on their United States passport.

(b) NEGOTIATIONS.—The Congress hereby directs the President to enter into negotiations with other countries to obtain general agreement to the deletion of the place of birth as a required item of information on passports.

SEC. 705. USE OF DIPLOMATIC PRIVILEGES AND IMMUNITIES FOR TERRORISM PURPOSES.

The Congress hereby directs the President to instruct the United States Ambassador to the United Nations to seek the adoption of a resolution in the United Nations condemning the use for terrorist purposes of diplomatic privileges and immunities under the Vienna Convention on Diplomatic Relations, especially the misuse of diplomatic pouches and diplomatic missions.

SEC. 706. REPORTS ON PROGRESS IN INCREASING MULTILATERAL COOPERATION.

Not later than 6 months after the date of enactment of this Act, the President shall submit a report to the Congress on the steps taken to carry out each of the preceding sections of this title and the progress being made in achieving the objectives described in those sections.

TITLE VIII—VICTIMS OF TERRORISM COMPENSATION

SEC 801. SHORT TITLE.

This title may be cited as the "Victims of Terrorism Compensation Act".

SEC. 802. BENEFITS FOR CAPTIVES AND OTHER VICTIMS OF HOSTILE ACTION.

(a) IN GENERAL.—Subchapter VII of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following:

"§ 5569. Benefits for captives

"(a) For the purpose of this section—

"(1) 'captive' means any individual in a captive status commencing while such individual is—

"(A) in the civil service, or

"(B) a citizen, national, or resident alien of the United States rendering personal service to the United States similar to the service of an individual in the civil service (other than as a member of the uniformed services);

"(2) the term 'captive status' means a missing status which, as determined by the President, arises because of a hostile action and is a result of the individual's relationship with the Government;

"(3) 'missing status'—

"(A) in the case of an employee, has the meaning provided under section 5561(5) of this title; and

"(B) in the case of an individual other than an employee, has a similar meaning; and

"(4) 'family member', as used with respect to a person, means—

"(A) any dependent of such person; and

"(B) any individual (other than a dependent under subparagraph (A)) who is a member of such person's family or household.

"(b)(1) The Secretary of the Treasury shall establish a savings fund to which the head of an agency may allot all or any portion of the pay and allowances of any captive to the extent that such pay and allowances are not subject to an allotment under section 5563 of this title or any other provision of law.

"(2) Amounts so allotted to the savings fund shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States

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Treasury bills with 3-month maturities issued during the preceding calendar quarter. Such interest shall be compounded quarterly.

"(3) Amounts in the savings fund credited to a captive shall be considered as pay and allowances for purposes of section 5563 of this title and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

"(4) Any interest accruing under this subsection on—

"(A) any amount for which an individual is indebted to the United States under section 5562(c) of this title shall be deemed to be part of the amount due under such section 5562(c); and

"(B) any amount referred to in section 5566(f) of this title shall be deemed to be part of such amount for purposes of such section 5566(f).

"(5) An allotment under this subsection may be made without regard to section 5563(c) of this title.

"(c) The head of an agency shall pay (by advancement or reimbursement) any individual who is a captive, and any family member of such individual, for medical and health care, and other expenses related to such care, to the extent that such care—

"(1) is incident to such individual being a captive; and

"(2) is not covered—

"(A) by any Government medical or health program; or

"(B) by insurance.

"(d)(1) Except as provided in paragraph (3), the President shall make a cash payment to any individual who became or becomes a captive commencing on or after November 4, 1979. Such payment shall be made before the end of the one-year period beginning on the date on which the captive status of such individual terminates or, in the case of any individual whose status as a captive terminated before the date of the enactment of the Victims of Terrorism Compensation Act, before the end of the one-year period beginning on such date.

"(2) A payment under this subsection in the case of any individual held as a captive—

"(A) shall be equal to an amount determined by the President, taking into account the treatment received by such individual while in captivity and any other factor which the President considers appropriate; but

"(B) shall be not less than the amount of the world-wide average per diem rate which would be payable to any person under section 5702 of this title, based on—

"(i) a period of time equal to the period for which such individual was held as a captive; and

"(ii) the world-wide average per diem rate which, during the period of captivity involved, was in effect under such section.

"(3) The President—

"(A) may defer a payment under this subsection in the case of any individual who, during the one-year period described in paragraph (1), is charged with an offense described in subparagraph (B), until final disposition of such charge; and

"(B) may deny such payment in the case of any individual who is convicted of an offense described in subsection (b) or (c) of section 8312 of this title committed—

"(i) during the period of captivity of such individual; and

"(ii) related to the captive status of such individual.

"(4) A payment under this subsection shall be in addition to any other amount provided by law.

"(5) The provisions of subchapter VIII of this chapter (or, in the case of any person not covered by such subchapter, similar provisions prescribed by the President) shall apply with respect to any amount due an individual under paragraph (1) after such individual's death.

"(6) Any payment made under paragraph (1) which is later denied under paragraph (3)(B) is a claim of the United States Government for purposes of section 3711 of title 31.

"(e)(1) Under regulations prescribed by the President, the benefits provided by the Soldiers' and Sailors' Civil Relief Act of 1940, including the benefits provided by section 701 of such Act but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 of such Act, shall be provided in the case of any individual who is a captive.

"(2) In applying such Act under this subsection—

"(A) the term 'person in the military service' is deemed to include any such captive;

"(B) the term 'period of military service' is deemed to include the period during which the individual is in a captive status; and

"(C) references to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, are deemed, in the case of any captive, to be references to an individual designated for that purpose by the President.

"(f)(1)(A) Under regulations prescribed by the President, the head of an agency shall pay (by advancement or reimbursement) a spouse or child of a captive for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

"(B) Except as provided in subparagraph (C), payments shall be available under this paragraph for a spouse or child of an individual who is a captive for education or training which occurs—

"(i) after that individual has been in captive status for 90 days or more, and

"(ii) on or before—

"(I) the end of any semester or quarter (as appropriate) which begins before the date on which the captive status of that individual terminates, or

"(II) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 16-week period following that date.

In order to respond to special circumstances, the appropriate agency head may specify a date for purposes of cessation of assistance under clause (ii) which is later than the date which would otherwise apply under such clause.

"(C) In the event a captive dies and the death is incident to that individual being a captive, payments shall be available under this paragraph for a spouse or child of such individual for education or training which occurs after the date of such individual's death.

"(D) The preceding provisions of this paragraph shall not apply with respect to any spouse or child who is eligible for assistance under chapter 35 of title 38 or similar assistance under any other provision of law.

"(E) For the purpose of this paragraph, 'child' means a dependent under section 5561(3)(B) of this title.

"(2)(A) In order to respond to special circumstances, the head of an agency may pay (by advancement or reimbursement) a captive for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

"(B) Payments shall be available under this paragraph for a captive for education or training which occurs—

"(i) after the termination of that individual's captive status, and

"(ii) on or before—

"(I) the end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the captive status of that individual terminates, or

"(II) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 16-week period following that date, and

shall be available only to the extent that such payments are not otherwise authorized by law.

"(3) Assistance under this subsection—

"(A) shall be discontinued for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to section 1724 of title 38; and

"(B) may not be provided for any individual for a period in excess of 45 months (or the equivalent thereof in other than full-time education or training).

"(4) Regulations prescribed to carry out this subsection shall provide that the program under this subsection shall be consistent with the assistance program under chapters 35 and 36 of title 38.

"(g) Any benefit provided under subsection (c) or (d) may, under regulations prescribed by the President, be provided to a family member of an individual if—

"(1) such family member is held in captive status; and

"(2) such individual is performing service for the United States as described in subsection (a)(1)(A) when the captive status of such family member commences.

"(h) Except as provided in subsection (d), this section applies with respect to any individual in a captive status commencing after January 21, 1981.

"(i) Notwithstanding any other provision of this subchapter, any determination by the President under subsection (a)(2) or (d) shall be conclusive and shall not be subject to judicial review.

"(j) The President may prescribe regulations necessary to administer this section.

"§ 5570. Compensation for disability or death

"(a) For the purpose of this section—

"(1) 'employee' means—

"(A) any individual in the civil service; and

"(B) any individual rendering personal service to the United States similar to the service of an individual in the civil service (other than as a member of the uniformed services); and

"(2) 'family member', as used with respect to an employee, means—

"(A) any dependent of such employee; and

"(B) any individual (other than a dependent under subparagraph (A)) who is a member of the employee's family or household.

"(b) The President shall prescribe regulations under which an agency head may pay compensation for the disability or death of an employee or a family member of an employee if, as determined by the President, the disability or death was caused by hostile action and was a result of the individual's relationship with the Government.

"(c) Any compensation otherwise payable to an individual under this section in connection with any disability or death shall be reduced by any amounts payable to such individual under any other program funded in whole or in part by the United States (excluding any amount payable under section 5569(d) of this title) in connection with such disability or death, except that nothing in this subsection shall result in the reduction of any amount below zero.

"(d) A determination by the President under subsection (b) shall be conclusive and shall not be subject to judicial review.

"(e) Compensation under this section may include payment (whether by advancement or reimbursement) for any medical or health expenses relating to the death or disability involved to the extent that such expenses are not covered under subsection (c) of section 5569 of this title (other than because of paragraph (2) of such subsection).

"(f) This section applies with respect to any disability or death resulting from an injury which occurs after September 30, 1985.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5568 the following:

"5569. Benefits for captives.
"5570. Compensation for disability or death."

SEC. 803. RETENTION OF LEAVE BY ALIEN EMPLOYEES FOLLOWING INJURY FROM HOSTILE ACTION ABROAD.

Section 6325 of title 5, United States Code, is amended by adding at the end thereof the following: "The preceding provisions of this section shall apply in the case of an alien employee referred to in section 6301(2)(viii) of this title with respect to any leave granted to such alien employee under section 6310 of this title or section 408 of the Foreign Service Act of 1980.".

SEC. 804. TRANSITION PROVISIONS.

(a) SAVINGS FUND.—(1) Amounts may be allotted to the savings fund under subsection (b) of section 5569 of title 5, United States Code (as added by section 802(a) of this Act) from pay and allowances for any pay period ending after January 21, 1981, and before the establishment of such fund.

(2) Interest on amounts so allotted with respect to any such pay period shall be calculated as if the allotment had occurred at the end of such pay period.

(b) MEDICAL AND HEALTH CARE; EDUCATIONAL EXPENSES.—Subsections (c) and (f) of such section 5569 (as so added) shall be carried out with respect to the period after January 21, 1981, and before the effective date of those subsections, under regulations prescribed by the President.

(c) DEFINITION.—For the purpose of this subsection, "pay and allowances" has the meaning provided under section 5561 of title 5, United States Code.

SEC. 805. BENEFITS FOR MEMBERS OF UNIFORMED SERVICES WHO ARE VICTIMS OF HOSTILE ACTION.

(a) PAYMENTS.—(1) Chapter 10 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 559. Benefits for members held as captives

"(a) In this section—

"(1) 'captive status' means a missing status of a member of the uniformed services which, as determined by the President, arises because of a hostile action and is a result of membership in the uniformed services, but does not include a period of captivity of a member as a prisoner of war if Congress provides to such member, in an Act enacted after the date of the enactment of the Victims of Terrorism Compensation Act, monetary payment in respect of such period of captivity; and

"(2) 'former captive' means a person who, as a member of the uniformed services, was held in a captive status.

"(b)(1) The Secretary of the Treasury shall establish a savings fund to which the Secretary concerned may allot all or any portion of the pay and allowances of any member of the uniformed services who is in a captive status to the extent that such pay and allowances are not subject to an allotment under section 553 of this title or any other provision of law.

"(2) Amounts so allotted shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with three-month maturities issued during the preceding calendar quarter. Such interest shall be computed quarterly.

"(3) Amounts in the savings fund credited to a member shall be considered as pay and allowances for purposes of section 553(c) of this title and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

"(4) Any interest accruing under this subsection on–

"(A) any amount for which a member is indebted to the United States under section 552(c) of this title shall be deemed to be part of the amount due under such section; and

"(B) any amount referred to in section 556(f) of this title shall be deemed to be part of such amount for purposes of such section.

"(5) An allotment under this subsection may be made without regard to section 553(c) of this title.

"(c)(1) Except as provided in paragraph (3) of this subsection, the President shall make a cash payment to any person who is a former captive. Such payment shall be made before the end of the one-year period beginning on the date on which the captive status of such person terminates.

"(2) The amount of such payment shall be determined by the President under the provisions of section 5569(d)(2) of title 5.

"(3)(A) The President—

"(i) may defer such payment in the case of any former captive who during such one-year period is charged with an offense described in clause (ii) of this subparagraph, until final disposition of such charge; and

"(ii) may deny such payment in the case of any former captive who is convicted of a captivity-related offense—

"(I) referred to in subsection (b) or (c) of section 8312 of title 5; or

"(II) under chapter 47 of title 10 (the Uniform Code of Military Justice) that is punishable by dishonorable discharge, dismissal, or confinement for one year or more.

"(B) For the purposes of subparagraph (A) of this paragraph, a captivity-related offense is an offense that is—

"(i) committed by a person while the person is in a captive status; and

"(ii) related to the captive status of the person.

"(4) A payment under this subsection is in addition to any other amount provided by law.

"(5) Any amount due a person under this subsection shall, after the death of such person, be deemed to be pay and allowances for the purposes of this chapter.

"(6) Any payment made under paragraph (1) of this subsection that is later denied under paragraph (3)(A)(ii) of this subsection is a claim of the United States Government for purposes of section 3711 of title 31.

"(d) A determination by the President under subsection (a)(1) or (c) of this section is final and is not subject to judicial review.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"559. Benefits for members held as captives.".

(3)(A)(i) Except as provided in clause (ii), section 559 of title 37, United States Code, as added by paragraph (1), shall apply to any person whose captive status begins after January 21, 1981.

(ii)(I) Subsection (c) of such section shall apply to any person whose captive status begins on or after November 4, 1979.

(II) In the case of any person whose status as a captive terminated before the date of the enactment of this Act, the President shall make a payment under paragraph (1) of such subsection before the end of the one-year period beginning on such date.

(B) Amounts may be allotted to a savings fund established under such section from pay and allowances for any pay period ending after January 21, 1981, and before the establishment of such fund.

(C) Interest on amounts so allotted with respect to any such pay period shall be calculated as if the allotment had occurred at the end of such pay period.

(b) DISABILITY AND DEATH BENEFITS.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1051. Disability and death compensation: dependents of members held as captives

"(a) The President shall prescribe regulations under which the Secretary concerned may pay compensation for the disability or death of a dependent of a member of the uniformed services if the President determines that the disability or death—

"(1) was caused by hostile action; and

"(2) was a result of the relationship of the dependent to the member of the uniformed services.

"(b) Any compensation otherwise payable to a person under this section in connection with any disability or death shall be reduced by any amount payable to such person under any other program funded in whole or in part by the United States in connection with such disability or death, except that nothing in this subsection shall result in the reduction of any amount below zero.

"(c) A determination by the President under subsection (a) is conclusive and is not subject to judicial review.

"(d) In this section:

"(1) 'Captive status' has the meaning given that term in section 559 of title 37.

"(2) 'Dependent' has the meaning given that term in section 551 of that title.

"(3) 'Secretary concerned' and 'uniformed services' have the meanings given those terms in section 101 of that title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1051. Disability and death compensation: dependents of members held as captives.".

(3) Section 1051 of title 10, United States Code, as added by paragraph (1), shall apply with respect to any disability or death resulting from an injury that occurs after September 30, 1985.

(c) MEDICAL BENEFITS.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1095. Medical care: members held as captives and their dependents

"(a) Under regulations prescribed by the President, the Secretary concerned shall pay (by advancement or reimbursement) any person who is a former captive, and any dependent of that person or of a person who is in a captive status, for health care and other expenses related to such care, to the extent that such care—

"(1) is incident to the captive status; and

"(2) is not covered—

"(A) by any other Government medical or health program; or

"(B) by insurance.

"(b) In the case of any person who is eligible for medical care under section 1074 or 1076 of this title, such regulations shall require that, whenever practicable, such care be provided in a facility of the uniformed services.

"(c) In this section:

"(1) 'Captive status' and 'former captive' have the meanings given those terms in section 559 of title 37.

"(2) 'Dependent' has the meaning given that term in section 551 of that title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1095. Medical care: members held as captives and their dependents.".

(3)(A) Section 1095 of title 10, United States Code, as added by paragraph (1), shall apply with respect to any person whose captive status begins after January 21, 1981.

(B) The President shall prescribe specific regulations regarding the carrying out of such section with respect to persons whose captive status begins during the period beginning on January 21, 1981, and ending on the effective date of that section.

(d) EDUCATIONAL ASSISTANCE.—(1) Part III of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 110—EDUCATIONAL ASSISTANCE FOR MEMBERS HELD AS CAPTIVES AND THEIR DEPENDENTS

"Sec.
"2181. Definitions.
"2182. Educational assistance: dependents of captives.
"2183. Educational assistance: former captives.
"2184. Termination of assistance.
"2185. Programs to be consistent with programs administered by the Veterans' Administration.

"§ 2181. Definitions

In this chapter:

"(1) 'Captive status' and 'former captive' have the meanings given those terms in section 559 of title 37.

"(2) 'Dependent' has the meaning given that term in section 551 of that title.

"§ 2182. Educational assistance: dependents of captives

"(a) Under regulations prescribed by the President, the Secretary concerned shall pay (by advancement or reimbursement) a dependent of a person who is in a captive status for expenses incurred, while attending an educational or training institution, for—

"(1) subsistence;
"(2) tuition;
"(3) fees;
"(4) supplies;
"(5) books;
"(6) equipment; and
"(7) other educational expenses.

"(b) Except as provided in section 2184 of this title, payments shall be available under this section for a dependent of a person who is in a captive status for education or training that occurs—

"(1) after that person is in a captive status for not less than 90 days; and
"(2) on or before—
"(A) the end of any semester or quarter (as appropriate) that begins before the date on which the captive status of that person terminates;
"(B) the earlier of the end of any course that began before such date or the end of the 16-week period following that date if the educational or training institution is not operated on a semester or quarter system; or
"(C) a date specified by the Secretary concerned in order to respond to special circumstances.

"(c) If a person in a captive status or a former captive dies and the death is incident to the captivity, payments shall be available under this section for a dependent of that person for education or training that occurs after the date of the death of that person.

"(d) The provisions of this section shall not apply to any dependent who is eligible for assistance under chapter 35 of title 38 or similar assistance under any other provision of law.

"§ 2183. Educational assistance: former captives

"(a) In order to respond to special circumstances, the Secretary concerned may pay (by advancement or reimbursement) a person who is a former captive for expenses incurred, while attending an educational or training institution, for—

"(1) subsistence;
"(2) tuition;
"(3) fees;
"(4) supplies;
"(5) books;
"(6) equipment; and
"(7) other educational expenses.

"(b) Except as provided in section 2184 of this title, payments shall be available under this section for a person who is a former captive for education or training that occurs—

"(1) after the termination of the status of that person as a captive; and

"(2) on or before—

"(A) the end of any semester or quarter (as appropriate) that begins before the end of the 10-year period beginning on the date on which the status of that person as a captive terminates; or

"(B) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course that began before such date or the end of the 16-week period following that date.

"(c) Payments shall be available under this section only to the extent that such payments are not otherwise authorized by law.

"§ 2184. Termination of assistance

"Assistance under this chapter—

"(1) shall be discontinued for any person whose conduct or progress is unsatisfactory under standards consistent with those established under section 1724 of title 38; and

"(2) may not be provided for any person for more than 45 months (or the equivalent in other than full-time education or training).

"§ 2185. Programs to be consistent with programs administered by the Veterans' Administration

"Regulations prescribed to carry out this chapter shall provide that the programs under this chapter shall be consistent with the educational assistance programs under chapters 35 and 36 of title 38.".

(2) The table of chapters at the beginning of subtitle A of such title, and the table of chapters at the beginning of part III of such subtitle, are amended by inserting after the item relating to chapter 109 the following new item:

"110. Educational Assistance for Members Held as Captives and Their Dependents ..... 2181".

(3) Chapter 110 of title 10, United States Code, as added by paragraph (1), shall apply with respect to persons whose captive status begins after January 21, 1981.

SEC. 806. EFFECTIVE DATE OF ENTITLEMENTS.

Provisions enacted by this title which provide new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 shall not be effective until October 1, 1986.

TITLE IX—MARITIME SECURITY

SEC. 901. SHORT TITLE.

This title may be cited as the "International Maritime and Port Security Act".

SEC. 902. INTERNATIONAL MEASURES FOR SEAPORT AND SHIPBOARD SECURITY.

The Congress encourages the President to continue to seek agreement through the International Maritime Organization on matters of international seaport and shipboard security. In developing such agreement, each member country of the International Maritime Organization should consult with appropriate private sector interests in that country. Such agreement would establish seaport and vessel security standards and could include—

(1) seaport screening of cargo and baggage similar to that done at airports;

(2) security measures to restrict access to cargo, vessels, and dockside property to authorized personnel only;

(3) additional security on board vessels;

(4) licensing or certification of compliance with appropriate security standards; and

(5) other appropriate measures to prevent unlawful acts against passengers and crews on board vessels.

SEC. 903. MEASURES TO PREVENT UNLAWFUL ACTS AGAINST PASSENGERS AND CREWS ON BOARD SHIPS.

(a) REPORT ON PROGRESS OF IMO.—The Secretary of Transportation and the Secretary of State, jointly, shall report to the Congress by December 31, 1986, on the progress of the International Maritime Organization in developing recommendations on Measures to Prevent Unlawful Acts Against Passengers and Crews On Board Ships.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall include the following information—

(1) the specific areas of agreement and disagreement on the recommendations among the member nations of the International Maritime Organization;

(2) the activities of the Maritime Safety Committee, the Facilitation Committee, and the Legal Committee of the International Maritime Organization in regard to the proposed recommendations; and

(3) the security measures specified in the recommendations.

(c) SECURITY MEASURES AT UNITED STATES PORTS.—If the member nations of the International Maritime Organization have not finalized and accepted the proposed recommendations by December 31, 1986, the Secretary of Transportation shall include in the report required by this section proposed legislation for the implementation of security measures at United States ports and on vessels operating from those ports based on the assessment of threat from acts of terrorism reported by the Secretary of Transportation under section 905.

SEC. 904. PANAMA CANAL SECURITY.

Not later than 6 months after the date of enactment of this Act, the President shall report to the Congress on the status of physical security at the Panama Canal with respect to the threat of international terrorism.

SEC. 905. THREAT OF TERRORISM TO UNITED STATES PORTS AND VESSELS.

Not later than December 31, 1986, and semiannually thereafter, the Secretary of Transportation shall report to the Congress on the threat from acts of terrorism to United States ports and vessels operating from those ports.

SEC. 906. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

The Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) is amended by inserting after section 6 the following new section:

"SEC. 7. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to take the actions described in subsection (b) in order to help prevent and respond to acts of terrorism against—

"(1) vessels and public or commercial waterfront facilities that are located on or near the navigable waters of the United States, and

"(2) vessels and facilities located on the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act).

"(b) SPECIFIC AUTHORITY.—In order to carry out this section, the Secretary is authorized—

"(1) to obtain, analyze, and coordinate the use of information concerning actual or potential terrorist threats to the vessels and facilities referred to in subsection (a);

"(2) to recruit additional members of the Regular Coast Guard and the Coast Guard Reserve, and to train members of the Regular Coast Guard and the Coast Guard Reserve in the techniques of preventing and responding to acts of terrorism against such vessels and facilities;

"(3) to use members of the Regular Coast Guard and the Coast Guard Reserve to carry out other activities authorized by law to be carried out by the Secretary, including inspections, port and harbor patrols, and the establishment of security and safety zones, for the purpose of preventing acts of terrorism against such vessels and facilities;

"(4) to purchase equipment for use by the Coast Guard, except that not more than 20 percent of any amounts appropriated to carry out this section may be used for purposes of this paragraph; and

"(5) to develop plans and procedures to respond to acts of terrorism against such vessels and facilities.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $125,000,000, to be available until expended, to carry out this section and to conduct the assessments required by sections 905 and 907 of the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986.".

SEC. 907. SECURITY STANDARDS AT FOREIGN PORTS.

(a) ASSESSMENT OF SECURITY MEASURES.—The Secretary of Transportation shall develop and implement a plan to assess the effectiveness of the security measures maintained at those foreign ports which the Secretary, in consultation with the Secretary of State, determines pose a high risk of acts of terrorism directed against passenger vessels.

(b) CONSULTATION WITH THE SECRETARY OF STATE.—In carrying out subsection (a), the Secretary of Transportation shall consult the Secretary of State with respect to

the terrorist threat which exists in each country. The Secretary of Transportation, in consultation with the Secretary of State, shall determine which foreign ports are not under the de facto control of the government of the country in which they are located and pose a high risk of acts of terrorism directed against passenger vessels.

(c) REPORT OF ASSESSMENTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the plan developed pursuant to subsection (a) and how the Secretary will implement the plan.

(d) DETERMINATION AND NOTIFICATION TO FOREIGN COUNTRY.—If, after implementing the plan in accordance with subsection (a), the Secretary of Transportation determines that a port does not maintain and administer effective security measures, the Secretary of State (after being informed by the Secretary of Transportation) shall notify the appropriate government authorities of the country in which the port is located of such determination, and shall recommend the steps necessary to bring the security measures in use at that port up to the standard used by the Secretary of Transportation in making such assessment.

(e) ANTI-TERRORISM ASSISTANCE RELATED TO MARITIME SECURITY.—The President is encouraged to provide anti-terrorism assistance related to maritime security under chapter 8 of part II of the Foreign Assistance Act of 1961 to foreign countries, especially with respect to a port which the Secretary of Transportation determines under subsection (d) does not maintain and administer effective security measures.

SEC. 908. TRAVEL ADVISORIES CONCERNING SECURITY AT FOREIGN PORTS.

(a) TRAVEL ADVISORY.—Upon being notified by the Secretary of Transportation that the Secretary has determined that a condition exists that threatens the safety or security of passengers, passenger vessels, or crew traveling to or from a foreign port which the Secretary of Transportation has determined pursuant to section 907(d) to be a port which does not maintain and administer effective security measures, the Secretary of State shall immediately issue a travel advisory with respect to that port. Any travel advisory issued pursuant to this subsection shall be published in the Federal Register. The Secretary of State shall take the necessary steps to widely publicize that travel advisory.

(b) LIFTING OF TRAVEL ADVISORY.—The travel advisory required to be issued under subsection (a) may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the port with respect to which the Secretary of Transportation had made the determination described in section 907(d).

(c) NOTIFICATION TO CONGRESS.—The Congress shall be notified if any travel advisory imposed pursuant to this section is lifted.

SEC. 909. SUSPENSION OF PASSENGER SERVICES.

(a) PRESIDENT'S DETERMINATION.—Whenever the President determines that a foreign nation permits the use of territory under its jurisdiction as a base of operations or training for, or as a sanctuary for, or in any way arms, aids, or abets, any terrorist organization which knowingly uses the illegal seizure of passenger vessels or the threat thereof as an instrument of policy, the President may, without notice or hearing and for as long as the President determines necessary to assure the security of passenger vessels against unlawful seizure, suspend the right of any passenger vessel common carrier to operate to and from, and the right of any passenger vessel of the United States to utilize, any port in that foreign nation for passenger service.

(b) PROHIBITION.—It shall be unlawful for any passenger vessel common carrier, or any passenger vessel of the United States, to operate in violation of the suspension of rights by the President under this section.

SEC. 910. CRIMINAL SANCTIONS FOR THE SEIZURE OF VESSELS BY TERRORISTS.

The Congress encourages the President—

(1) to review the adequacy of domestic and international criminal sanctions against terrorists who seize or attempt to seize vessels; and

(2) to strenghten where necessary, through bilateral and multilateral efforts, the effectiveness of such sanctions.

Not later than one year after the date of enactment of this Act, the President shall submit a report to the Congress which includes the review of such sanctions and the efforts to improve such sanctions.

SEC. 911. DEFINITIONS.

For purposes of this title—

(1) the term "common carrier" has the same meaning given such term in section 3(6) of the Shipping Act of 1984 (46 U.S.C. App. 1702(6)); and

(2) the terms "passenger vessel" and "vessel of the United States" have the same meaning given such terms in section 2101 of title 46, United States Code.

TITLE X—FASCELL FELLOWSHIP PROGRAM

SEC. 1001. SHORT TITLE.

This title may be cited as the "Fascell Fellowship Act".

SEC. 1002. FELLOWSHIP PROGRAM FOR TEMPORARY SERVICE AT UNITED STATES MISSIONS IN THE SOVIET UNION AND EASTERN EUROPE.

(a) ESTABLISHMENT.—There is hereby established a fellowship program pursuant to which the Secretary of State will provide fellowships to United States citizens while they serve, for a period of between one and two years, in positions formerly held by foreign national employees at United States diplomatic or consular missions in the Soviet Union or Eastern European countries.

(b) DESIGNATION OF FELLOWSHIPS.—Fellowships under this title shall be known as "Fascell Fellowships".

(c) PURPOSE OF THE FELLOWSHIPS.—Fellowships under this title shall be provided in order to allow the recipient (hereafter in this title referred to as a "Fellow") to serve on a short-term basis at a United States diplomatic or consular mission in the Soviet Union or an Eastern European country in order to obtain first hand exposure to that country, including (as appropriate) independent study in Soviet or Eastern European area studies or languages.

(d) INDIVIDUALS WHO MAY RECEIVE A FELLOWSHIP.—To receive a fellowship under this title, an individual must be a United States citizen who is an undergraduate or graduate student, a teacher, scholar, or other academic, or an other individual, who has expertise in Soviet or Eastern European area studies or languages and who has a working knowledge of the principal language of the country in which he or she would serve.

(e) WOMEN AND MEMBERS OF MINORITY GROUPS.—In carrying out this section, the Secretary of State shall actively recruit women and members of minority groups.

SEC. 1003. FELLOWSHIP BOARD.

(a) ESTABLISHMENT AND FUNCTION.—There is hereby established a Fellowship Board (hereafter in this title referred to as the "Board"), which shall select the individuals who will be eligible to serve as Fellows.

(b) MEMBERSHIP.—The Board shall consist of 9 members as follows:

(1) A senior official of the Department of State (who shall be the chair of the Board), designated by the Secretary of State.

(2) An officer or employee of the Department of Commerce, designated by the Secretary of Commerce.

(3) An officer or employee of the United States Information Agency, designated by the Director of that Agency.

(4) Six academic specialists in Soviet or Eastern European area studies or languages, appointed by the Secretary of State (in consultation with the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority of the Committee on Foreign Relations of the Senate).

(c) MEETINGS.—The Board shall meet at least once each year to select the individuals who will be eligible to serve as Fellows.

(d) COMPENSATION AND PER DIEM.—Members of the Board shall receive no compensation on account of their service on the Board, but while away from their homes or regular places of business in the performance of their duties under this title, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

SEC. 1004. FELLOWSHIPS.

(a) NUMBER.—Up to 100 fellowships may be provided under this title each year.

(b) REMUNERATION AND PERIOD.—The Board shall determine, taking into consideration the position in which each Fellow will serve and his or her experience and expertise—

(1) the amount of remuneration the Fellow will receive for his or her service under this title, and

(2) the period of the fellowship, which shall be between one and two years.

(c) TRAINING.—Each Fellow may be given appropriate training at the Foreign Service Institute or other appropriate institution.

(d) HOUSING AND TRANSPORTATION.—The Secretary of State shall, pursuant to regulations—

(1) provide housing for each Fellow while the Fellow is serving abroad, including (where appropriate) housing for family members; and

(2) pay the costs and expenses incurred by each Fellow in traveling between the United States and the country in which the Fellow serves, including (where appropriate) travel for family members.

(e) EFFECTIVE DATE.—Subsection (d) of this section shall not take effect until October 1, 1986.

SEC. 1005. SECRETARY OF STATE.

(a) DETERMINATIONS.—The Secretary of State shall determine which of the individuals selected by the Board will serve at each United States diplomatic or consular mission in the Soviet Union or Eastern Europe and the position in which each will serve.

(b) AUTHORITIES.—Such service shall be in accordance with the relevant authorities of the Foreign Service Act of 1980, the State Department Basic Authorities Act of 1956, and title 5 of the United States Code.

(c) FUNDING.—Funds appropriated to the Department of State for "Salaries and Expenses" shall be used for the expenses incurred in carrying out this title.

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